

THE MADRAS LEGISLATIVE COUNCIL.

Tuesday, 8th August, 1939.

* The House met in the Legislative Council Chamber, Fort St. George, at eleven of the clock, Mr. President (THE HON. DR. U. RAMA RAO) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Communal rotation in services.

* 8 Q.—MR. J. A. SALDANHA: Will the Hon. the Prime Minister be pleased to state whether the communal Government Order as to the rotation in which the representatives of several communities are to be appointed in the services is still in force and is to be enforced in future?

THE HON. SRI C. RAJAGOPALACHARIAR:—“ Communal representation in the services is governed by rule 7^a of the General Rules for Subordinate Services. There is no proposal to alter the communal rule.”

MR. J. A. SALDANHA:—“ May I enquire, Sir, whether the Government have ascertained that the communal Government Order is carried into effect at present, especially in the case of Indian Christians? ”

THE HON. SRI C. RAJAGOPALACHARIAR:—“ The Government are under the distinct and clear impression that it is being carried out to the letter because, especially if there were any lapse or failure, such matters would be brought to our notice immediately by the concerned parties.”

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—“ May I ask, Sir, whether the communal rotation rule is being observed in the appointment of Honorary Medical Officers and Assistant Public Prosecutors? ”

THE HON. SRI C. RAJAGOPALACHARIAR:—“ No, Sir.”

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—“ May I know why, Sir? ”

THE HON. SRI C. RAJAGOPALACHARIAR:—“ It would be obvious that in taking the services of Honorary Medical men, we will have to look not to communities but to previous service and those who would be capable of giving the best

[8th August 1939]

service and the best advantage to the persons concerned, that is to say, the patients and the institutions. With reference to the Assistant Public Prosecutors, the cadre represents the old Prosecuting Police Inspectors and I do not think it would serve the best interests of the prosecutions if we apply the communal rule there. But the communal proportion is always kept in view even in these matters."

SRI DIWAN BAHADUR R. SRINIVASAN:—"May I know, Sir, whether according to this rule, a member of the scheduled classes after entering service will be seriously affected because of his conversion to some other faith and will his appointment be given to candidates of other communities because of his conversion?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"I am afraid that we cannot penalize one who has already got an appointment or a piece of property on the basis of his original faith, simply because of his subsequent conversion. It is impossible to penalize a convert on that basis. But in regard to fresh recruiting, those who have been already converted will be appointed according to the communal rule but when once a man has found his place it is impossible to interfere with his position because of his subsequent conversion."

SRI DIWAN BAHADUR R. SRINIVASAN:—"May I ask, Sir, whether in the case of a scheduled class member thus affected, his claims will be considered and given the next chance?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"It would not be mathematically possible and because a man has got other places on account of his caste or community, it could not again be revived. It is unfortunate, but such cases are extremely rare and I am surprised that the hon. Member is exercising his mind over such matters."

Compulsory retirement and hardship caused to Government servants.

* 9 Q.—MR. J. A. SALDANHA: Will the Hon. the Prime Minister be pleased—

(a) to place before the House the most recent Government Order in regard to the compulsory retirement of Government servants (non-gazetted) at a particular age

and to state—

(b) whether such of those as would be entitled to retention up to the age of sixty, were given previous notice as to the enforcement of the new rule;

8th August 1939]

(c) if not, whether Government have received complaints on the alleged hardship on account of the sudden enforcement of the new rule; and

(d) what action Government have taken or propose to take on the representations by way of a solatium or compensation?

THE HON. SRI C. RAJAGOPALACHARIAR:—“(a) A copy * of G.O. No. 16, Finance, dated 20th January 1939, is laid on the table.

“(b) No non-gazetted Government servant had any right to be retained in Government service up to the age of 60 years. A ministerial servant could be retained in service after attaining the age of 55 years only if he continued to be efficient and extensions could not be granted for more than one year at a time. Executive instructions had also been issued stressing the necessity for exercising great care when granting such extensions. As under the old rules a ministerial servant could be retired on attaining the age of 55 years, no previous notice was given when the age of compulsory retirement was fixed at 55 years.

“(c) The answer is in the negative. There was also no sudden change in the rules as in the circumstances explained in answer to clause (b) the grant of extensions was rather the exception than the rule even before the issue of G.O. No. 16, Finance, dated 20th January 1939.

“(d) Does not arise.”

MR. J. A. SALDANHA:—“May I ask, Sir, why a man who is hale and healthy and who expects to have extension, is not granted extension, because in many cases hardship is entailed if suddenly they are deprived of extension, while other persons at 59 are given extension up to 60?”

MR. PRESIDENT:—“It is not a supplementary question anyhow.”

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—“Is it not a fact that the Government recently compelled a man to retire and appointed another man who was more than the age of the person retired?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“If the merits of the case were looked into impartially by the Leader of the Opposition, he will find out the reasons for it.”

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—“May I know whether the Government are not aware of the merits of the case?”

[8th August 1939]

THE HON. SRI C. RAJAGOPALCAHARIAR:—"I would like the Leader of the Opposition to give me the particulars of the case."

Income of the Vizianagram Estate and expenditure for repairs of water sources.

* 10 Q.—SRI P. VEERABHADRASWAMI: Will the Hon. the Minister for Revenue be pleased to state—

(a) the income of the Vizianagram Estate; and

(b) the expenditure incurred by the estate for repairs of all water sources in the years 1937–38 and 1938–39?

THE HON. SRI T. PRAKASAM:—" (a) & (b) The attention of the hon. Member is invited to Statements III and IV at pages 14–18 and Appendix F at page 20 of the Report on the Administration of the Estates under the Court of Wards in fasli 1347 (1937–38) a copy of which is available in the library of the Madras Legislature. Figures for 1938–39 are not yet available."

Relief for non-agricultural debtors.

* 11 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Industries and Labour be pleased to state what steps Government propose to take for the relief of non-agricultural debtors as in the case of agricultural debtors?

THE HON. SRI V. V. GIRI:—"The Government have under consideration certain proposals for the relief of indebtedness among industrial workers and the agricultural and fishermen labourers."

MR. J. A. SALDANHA:—"Having regard to the fact that there is widespread depression all over the country, will the Government expedite the measures for the relief of indebtedness?"

THE HON. SRI V. V. GIRI:—"Yes, Sir."

Extension of the municipal area of Mangalore.

* 12 Q.—MR. J. A. SALDANHA: With reference to the answers given to my questions Nos. 262 and 263 on 12th May 1939, will the Hon. Minister for Local Administration be pleased to state whether the difficulties in the way of extension to the municipal area of Mangalore have been removed and when orders will be passed on the scheme?

THE HON. SRI B. GOPALA REDDI:—"The matter is still under consideration."

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

**II.—THE MADRAS TEMPLE ENTRY AUTHORIZATION AND INDEMNITY BILL, 1939 (L.A. BILL No. 17 OF 1939),
AS PASSED BY THE ASSEMBLY—concl'd.**

* MR. S. J. GONSALVES:—“ Mr. President, after hearing the two excellent speeches made yesterday by two distinguished members on this side of the House one is apt to be puzzled in arriving at a decision as to which view is to be accepted, whether the one put forward by the Rt. Hon. Srinivasa Sastri or the other advanced by Dr. Sir K. V. Reddi. I do not claim to have made a sufficient study of the Hindu religion, but I do claim to have heard the utterances and read the writings of persons who have a full knowledge of that religion. I think I am right in saying that according to those men untouchability is not a doctrine of the Hindu religion, but all the same it has arisen and it has grown and established itself in the practice of that religion. Now, the question resolves itself into this; there are two rights: one the natural right and the other the vested right. The natural right is the right of every human being to worship in the House of God with equality; the vested right is the right which has grown upon untouchability where equality is not granted to all and where there are differences in the matter of worship in the House of the Lord. Now the question is whether in this conflict between these two rights the vested right should prevail or the natural right should prevail. An attempt is being made by means of this Bill to give preference to the natural right as against the vested right and it seems to me that when a Government says that there is a growing volume of opinion in favour of the natural right, this House should give its support to the Bill which makes an effort at eradicating the vested right and establishing the natural right. Although this attempt may not be desired by all sections of the Hindu religion, this is being made by the Government in a bold manner, their main aim being equality for all in the House of God. I have much pleasure in giving my support to the Bill.”

11-15
a.m.

* SRI RAO BAHADUR M. RAMAN:—“ I wholeheartedly support this measure. For years, we have been patiently waiting for a reform which will deal with the most cursed system of untouchability and injustice that is perpetrated against one section in the Hindu fold. It has come about with the suddenness of an explosion and the most sanguine of us did not imagine that it would take this turn. When only a few months ago, my hon. Friend, Mr. M. C. Rajah, brought in his Bill, there was a counsel of caution around; the later Bill of the Government, the Malabar Temple Entry Bill, did not also go far enough. This is not a matter for slow progress and for indirect and permissive legislation

[Sri M. Raman]

[8th August 1939]

and an age-long evil which is eating into the vitals of Hindu society brooks no delay. The Adi-Dravidas have been, as they are even to-day, suffering social indignities and have put up with social oppression all these centuries with commendable patience. Their patience is indeed surprising, for in spite of the Hindu belief that man is the noblest of God's creation, while their dogs could go near a high caste Hindu and a fly from his face could settle upon a high caste Hindu, he was not himself allowed to touch the high caste man and his touch was pollution. The approach of a human being is prohibited. It was that great judge and reformer, Mr. Chandravarker, who nearly a quarter of a century ago observed that in fighting against caste, we were fighting against dissimulation and cowardice; but even now we have not travelled far, so far as one section of our people are concerned.

"Sir, much has been said about the method of entry into the Sri Meenakshi temple at Madura; but I wonder what there is in the method in a matter like this. I submit that it is wrong to insist upon the majority being consulted for the exercise of an elementary right of a certain section of the people and the recognition of such rights. They say that it would have been better if a referendum had been taken. But I would ask, Sir, whether such methods were adopted in suppressing the Thugs or the abolition of *suttee*. If a referendum had been taken with regard to the suppression of the Thugs, many people would quite possibly have opposed it for fear that their revenge would visit them and similarly also the abolition of the *suttee* was brought about by the great sacrifices, unstinting efforts and ungrudging service of that great reformer, Ram Mohan Roy. The majority of the people are all in favour of such legislation; but there is a section of the community which advocates the slower method, the method of referendum. It is easy for those that are enjoying all the privileges, to caution the others that are not in enjoyment of it, of the dangers of speeding; they could well say that the others could wait. It is just like the request of a person asking for fire to light his cigar of the one whose beard is ablaze, instead of trying to help him to put it down. They are suffering and they should not be allowed to suffer yet. I am not satisfied with this Bill and feel that this does not go far enough. The Government ought to have brought in a Bill for the whole Province allowing all the Adi-Dravidas to enter all the temples; and a punishment of not less than six months hard labour should be provided for those who offer them any kind of obstruction in the exercise of their rights. (Hear, hear.) However, Mr. President, I do not want to take up the time of the House; though it is a modest measure, I congratulate the Government on their courage and promptitude in discovering a solution for this age-long evil."

8th August 1939]

SRI V. GANGA RAJU :—“ Mr. President, most of the speakers yesterday were agreed more or less on one point and that is that the Harijan's entering the temples was not objectionable and that they were eligible to enter the temples. But they said that the time is not yet ripe for it and it is not time enough for us to bring in this legislation now. We have to take account of the fact that this is an age-long oppression which has been inflicted upon the innocent and the dumb millions. The question of time does not at all come in. Further, is there any greater sin than standing between man and God? I say that nobody can stand between man and God. But some people on the strength of custom or something else are pretending to stand in their way; but they are not really standing in the path leading man to God.

“ Our revered friend, the Rt. Hon. Mr. Sastri, said that it is not logical; that this reform was not logical and the introduction of the Bill was illogical and irregular. Do you think, Mr. President, that logic leads us anywhere? If at all it leads us anywhere, it leads us to doubts and uncertainties. I remember the story of the logician and the cup of ghee. A doubt entered his mind as to whether the vessel is supported by the ghee or the ghee is supported by the vessel and it is all known how that doubt was resolved. So also there are two sides to a case. So far as logicians are concerned they could argue both; one would say that there is God and the other would strain every nerve to prove that there is no God. I think we should not depend upon logic for dealing with questions of this sort; they should be viewed from the humanitarian point of view. Were they not oppressed for a number of centuries and are they not being kept at a distance from the temples and other institutions of the Hindus?

“ My hon. Friend Mr. Srinivasa Ayyangar, said that we should not transgress the customs and usages of the past. I admit that these are customs and we have been following them so long. But were there not customs in the past which by the reactions of the changing times had been given the go by? Was not polyandry a custom in the ancient days? Does that hold good now? If anybody says that it ought to hold good now, you will laugh at him. It was all right then but when circumstances change and when times change, we have to adopt certain changes in our customs and that is how I will ask him to take this change. In those days, ladies were burnt along with their dead husbands and when Raja Ram Mohan Roy brought in that reform there was much opposition. But now, Sir, do we not think that he was a great reformer and a great man to remove that custom? We are here to help the country and we should not care so much for the old customs and for what people would say. Posterity will judge us right and it will not be long before even the faint criticism of those that are opposing the measure will vanish. We have travelled far

[Sri V. Ganga Raju] [8th August 1939]

from the Vedic age to the Smritis and we are now in the Puranic age. All these customs obtained in those days. Even in the house of the Brahman of those days, they used to prepare certain dishes of meat at certain ceremonies; now they have given it up and they hate it. Do not all these show that there are changes at every stage to which society has all along adapted itself and now the time has come for effecting this change?

“ My friend also quoted the judgment of Their Lordships, Justice Benson and Justice Boddam. At the same time he admitted that we are here to make laws. I ask him, when we are here to make laws, is it just that we should be guided by the judgment of the judges? We have to judge ourselves and we are the judges ourselves. We in that capacity are going to make laws for the benefit of the country. The judges are there to carry out our laws and it is not we that have to be carried away by the judgment of the courts.

“ Mr. Srinivasa Ayyangar said that he was not objecting to the reform but observed that a sudden reform of this type would upset the minds and touch the tender sentiments of the sanatanists. Do you think that the millions, who have been oppressed all these centuries, are insensible to all the indignities that have been heaped upon them; were not their susceptibilities touched all these years and is it only the susceptibilities of the sanatanists that are being touched now? Would not their feelings be touched when they had been told to stand away from their brethren? They work for you; they toil for you for the building of your temples and other institutions. But when there is to be a function there or a puja is to be performed, he is not wanted and he is asked to get away. Is it not a sin? Have you not been treading upon their sentiments all these centuries and now is it given to you to come and plead only for the sentiments of those who, you think, are cultured not caring for the unexpressed agony of the millions?

“ Our revered friend, Rt. Hon. Sastri, referred to the trustees. My submission is that they are entrusted with some work and they should discharge that duty for the benefit of the trust which they have been entrusted with. And for performing that, sometimes they would have to change. If some students are entrusted to our care, we have to give them proper education and advice and at the same time when they are suffering from fever, we should have to look after their comforts; they may think that the medicine we are giving is bitter but we have to administer it, our reason being that we do it not for our own advantage but for that of our wards. So also, this legislation, though at present it displeases some people, is for the ultimate good of all and in that spirit only it has been brought up. Let me conclude, Sir, by congratulating the Hon. the Premier on bringing this reform before this House. The Bill has my wholehearted support.”

8th August 1939]

* **SRI A. RANGASWAMI AYYANGAR:**—“ As one who has an almost first-hand knowledge of the events that led up to the historic incident of the 8th July of this year in Madura, I am bound to say a few words in vindication of the honour of the great and selfless workers in Madura. It has been stated that the events took place in a surreptitious manner; it was a *zulum*; it was a fraud; it was not temple entry but temple intrusion. That was the language used by a colleague of mine, who comes from the same district as I come from. I wish to state in a simple business-like manner in chronological order the events which ultimately led up to the 8th July affair. The history of this matter dates back from the year 1932. I wish my Rt. Hon. Friend, Mr. Sastriar, my master, had not suggested the repudiation of the Poona Pact on the ground of moral coercion. To a large mass of Hindus the word of Mahatma Gandhi is law; it is more binding than the canons of Sastras themselves.

“ But that apart. During the course of the fast in 1932 11-30
Mahatma Gandhi issued a statement from Yerrawada prison a.m.
signed in Tamil and in English which runs thus:

‘ It has been a matter of increasing joy day by day to find great ancient temples being opened to the so-called untouchables and thus becoming purified. This one fact among many others has been a great sustaining force during these days of agony of body, mind and soul. But the joy about the opening of temples has not been unmixed with sorrow that the South where my work on a larger scale amongst untouchables began, though in South Africa, has not been as prompt and generous in throwing open the gates of temples to the outcastes. Speaking as a Hindu, striving to find and to live up to the very essence of it, I say without the slightest hesitation that God will be installed in the idol of the temples only if they are thrown open unreservedly to the outcastes. To-day with the human outcast, God himself is an outcast.’

At the bottom of this letter Mahatma Gandhi has signed his name in Tamil and in English, dated Yerrawada prison, 25th September 1932.

“ In pursuance of this appeal the citizens of Madura at once began to circulate an influential statement signed by respectable leaders of the town including the leaders of the sanatanist movement. Mr. T. C. Srinivasa Ayyangar was one of the signatories of that statement. And my friend, Mr. K. R. Venkatarama Ayyar, who now leads the sanatanists was also one of the signatories of that statement, and not only that, at the end of that statement, he has added the following postscript:—

‘ In the imperative interest of national unity and Hindu solidarity I am signing this appeal after anxious consideration.’

Besides these two gentlemen there were several respectable and eminent citizens of the town who signed that statement. And in pursuance of that appeal to the people that the South India temples

THE MADRAS TEMPLE ENTRY AUTHORIZATION AND
INDEMNITY BILL, 1939 (L.A. BILL NO. 17 OF 1939),
AS PASSED BY THE ASSEMBLY

[Sri A. Rangaswami Ayyangar] [8th August 1939]

should be thrown open to the Harijans, on the 7th October 1932 at a meeting of the Madura Devasthanam Committee the following resolution was moved and passed:—

‘In view of the strong public support in favour of removing the disabilities under which certain classes of Hindus are suffering in respect of entry into the temple under our jurisdiction, and for admitting those excluded castes into the temple along with other Hindu devotees, the Committee feels that steps should be taken to give effect to this just and reasonable desire, but the Committee is of opinion that under the *existing law it is beyond the powers of the Committee to make the innovation*. The Committee therefore recommends the *early introduction of legislative measures* to remove the disabilities.’

At the foot of this resolution the members of the Devasthanam Committee have signed their names.

“Later, in 1933 at the instance of the Harijan Sevak Sangh a regular referendum of all Hindus who are entitled to attend the temple was taken, as a result of which it was found that 80 per cent were in favour of temple entry. That was an unofficial vote. Then on the 6th January 1933 membership of the Committee was thrown open to election by the Government. There were six seats vacant, and the election to the six seats was fought on the specific issue of temple entry. There were two parties who contested the elections. The Harijan Sevak Sangh and the Agama Sabha contested the elections; and you will be surprised to learn that all the seats were captured by the Harijan Sevak Sangh. Seventy-nine per cent of the votes were in favour of the temple entry. The matter did not stop there. Immediately after the elections in January 1933 the Devasthanam Committee sent a telegram to the Governor and the Viceroy which ran thus:

‘We the Meenakshi Devasthanam Committee members, Madura, recently elected, after pledging support to temple entry for Harijans unanimously request the Viceroy to accord sanction to Dr. Subbarayan’s Bill for temple entry and to that of C. S. Ranga Ayyar. Previous Committee also passed resolution expressing the same opinion but pleading legal difficulties. Public opinion overwhelmingly demands reform.

This was in January 1933. Then on the 14th January 1934 a formal resolution was passed by the Devasthanam Committee in favour of temple entry. Then the Municipal Council of Madura, which is an elected body, unanimously passed a resolution congratulating the Maharaja of Travancore on the famous Temple-Entry Proclamation. And then came the events of 1939. From June 1939, when the Harijan Conference was held, up to 8th July 1939, numerous meetings, attended by a large body of worshippers, were held in Madura day in and day out, in the morning and in the evening, in street corners and in public maidans. All these showed that the public of Madura welcomed the proposal to throw open the temples, and it was also openly given out that the Harijans were going to enter the Madura temple within a particular date,

8th August 1939] [Sri A. Rangaswami Ayyangar]

it seems it was said 'within the 15th July.' Then a specific resolution on temple entry was passed unanimously by the Madura Municipality as well as the District Board, Madura.

"I am only mentioning these things to show that it has not been done without preparation or without previous consultation of responsible elected members. Therefore, it is too much to say that it has been done surreptitiously. What is the meaning of 'surreptitiously'? Does it mean that the trustees or the constituted authority of the temple were not given previous notice of temple entry? Does it mean that there must have been a public notice of the entry that it would take place on such and such a day at such and such an hour? If a public notice had been given, surely thousands and thousands of people would have come to witness the entry; and then the sanatanists would say: 'Oh, you came in your thousands and overawed us with your numbers, and therefore we could not do anything.' I therefore say, Sir, that the thing was not done surreptitiously or stealthily. It was done in an humble manner just as any other persons who believed in temple worship would have done it. After that, the pujas were performed as usual for a day. It was subsequent to that an opposition to the temple entry was organized and engineered. I say it was organized and engineered, because I know the opposition was not spontaneous. Such of the few Brahmans who were still going to the temple for worship were picketed and directed not to go to the temple. Leaflets were broadcast and distributed in the Madura town predicting unknown sins on temple goers in foul language. It is only after that that people are not going to the temple. The temple premises and the Pottamarai tank premises which used to be utilized for religious discourses by the orthodox people came to be utilized as a sort of club by the Vaidiks to discuss their own affairs. This was prevented by the trustees just a few days before the temple entry event. Therefore, the absence of a large gathering of the Vaidiks was due not to the temple entry so much but due to the previous notice of the trustees prohibiting such gathering of the Vaidiks. Therefore the normal sight of a large number of Vaidiks squatting in the temple premises is now absent. Therefore, I say there is absolutely nothing secret about the temple entry event. The whole affair was done quite *bona fide* and was generally known and not shoved suddenly on the public.

"Then, only one word about what the Rt. Hon. Sastri said. It is very difficult for one to oppose him at very close quarters. (Laughter) The dazzle of his eloquence is now spent out, because we have now passed 24 hours. (Laughter) We feel that many of us have been taken off our feet by his delivery, mastery and great diction which accompanies his speech. (Laughter) It

[Sri A. Rangaswami Ayyangar] [8th August 1939]

reminded me of a learned judge, who was delivering his judgment in favour of one party, but unfortunately at the end the decree was in favour of the opposite party. That is the effect of the Rt. Hon. Sastri's speech. For, what does he say? He concedes that this custom is a pernicious thing and that this pernicious custom is sitting over us like an incubus and contracting our hearts. And then he says, 'Our customs are the instruments of social oppression and social tyranny which we must all repudiate with all our heart. These sanatanists are deluded and misguided people.' And after these expressions coming from him, one would have thought he wholeheartedly supported the Bill. But his verdict was the other way. He pleaded for toleration and patience towards these misguided people. But I would ask him this question: What about the millions of people who have been denied this solace, the spiritual solace of going to temples? Does not his heart throb in sympathy with those hundreds and thousands of people for this ancient wrong even as he extends his sympathy to the sanatanists, who on his own saying are misguided, unreasonable and ignorant people? Therefore, Sir, I wish my great master, the Rt. Hon. Sastriar had thrown the weight of his influence in favour of this Bill. As Dr. Sir K. V. Reddi himself pointed out, he has no other alternative. At one stage he pleaded as an assessor did, who while returning a verdict of guilty, pleaded for mercy. That seemed to be his attitude towards the sanatanists. Finally, Sir, I assert it is not as if the Harijans surreptitiously or without due knowledge or consent of the people entered the temple in Madura."

11-45
a m.

* THE HON. SRI T. PRAKASAM:—"Sir, I had no idea of taking part in this debate in the earlier stage. I did not take part in the other House, but I am induced to say a few words in reply to what my friend the Rt. Hon. Srinivasa Sastri has stated. I have no quarrel with what he stated with regard to his own feelings in the matter. He was pleading not for himself, and not for those who are already advocating this temple entry reform. He pleaded on behalf of the innocent masses and the custom which the masses have been honouring until now. In reply to this, I would like to point out that the custom ceased to be a custom long ago. The Hindu society has been so slow in the matter of social progress. To my knowledge for over 50 years, or I should even put it at 60 years, i.e., even before I attained the age of discretion, the social reform movement was started in the northern districts copying Bengal. And the leader of the movement was a victim of social persecution until his death, and those of his followers who advocated this reform and who followed his footsteps in practice, also suffered. Social persecution has had its toll. Innocent men and women were sacrificed to this social persecution. It is more than 40 years, I believe Sir, since a poor

8th August 1939] [Sri T. Prakasam]

innocent Brahman who was not educated in English and who dined with an England-returned man, attempted to enter the temple and was prevented and thrown out. Then a suit was filed on his behalf; he was a relative of mine; I was his pleader. I examined perhaps a thousand witnesses in the case to show that the custom which was pleaded by those who obstructed him saying that there was a custom, was not existing. Well, Sir, unfortunately or fortunately the party died while the suit was pending; so it became an incomplete record. It did not obtain a judicial verdict. I do not know what would have been the judicial verdict. My hon. Friend, Mr. Srinivasa Ayyangar, has quoted the judgment of the Madras High Court in which a reference was made to the judgment of Justice Benson to show that a custom was to be respected. Custom has been respected in this country more than in any other country; custom has been respected in this country for over a hundred years rather mercilessly, because of the inability of the judges, foreign judges who were sitting in courts, to understand the immense mischief of these customs. So if the custom has not been broken through judicially, it was because of the technical way in which the judges were interpreting custom.

“ ‘Where is the custom?’ I ask. A person who dined with a Harijan is freely admitted into the temple, Meenakshi temple or any other temple. The Rt. Hon. Srinivasa Sastri who has travelled beyond the limits of this country and who has taken his food with other people, would he claim to be the same old orthodox Brahman which his father was? What is the custom? If he could be admitted into the temple, why not the Harijan? Why should he be prevented? (The Rt. Hon. V. S. Srinivasa Sastri: ‘Hear, hear. Why not Mr. Prakasam?’) Mr. Prakasam! The Rt. Hon. Sastri living on this side of the Presidency does not know Prakasam who was excommunicated on the banks of the Godavari by the Sankaracharya who was taken on the back of the elephant into the temple. Prakasam has been an outcast at least from that date, if he had not been before. I say to my friend, the Rt. Hon. Sastri, that his people to whichever caste they may belong to-day, are not very ignorant people. The orthodox Brahmans, the orthodox men of all other castes, are not ignorant people. They have been quite up to the task during the last generation, 25 years so far as I could gather. There is nothing which they would run away from. So no one need be afraid that they would be invoking the aid of the custom even in the villages. I have got complete faith in our countrymen, in our women, in our old men as well as young men; they will not hesitate to do the right thing when they are given the lead and when they are shown the way. It is only because that was not given until

[Sri T. Prakasam]

[8th August 1939]

now that they have been hesitating. They will be the foremost people to advocate this and remove the slur that has been cast not only upon the leaders but also upon innocent heads, a slur that this community as a whole has been excluding a community which is a part of their own blood.

“What is it? It is conceded, Sir, that this is an evil custom but that we should have some tolerance to the sentiments of these other people. Sentiments vary. Mr. Rangaswami Ayyangar has quoted my friends, Mr. K. R. Venkatarama Ayyar and Mr. T. C. Srinivasa Ayyangar who put their signatures to that manifesto that was issued. Between that date and to-day their feelings have changed . . .”

* SRI T. C. SRINIVASA AYYANGAR:—“On a point of personal explanation, Sir. My friend, Mr. Rangaswami Ayyangar, cannot be unaware of my opinion regarding the merits of the reform; but to quote the opinion regarding the merits of a reform to justify a Bill which in effect invites a breach of the law and surpasses any of the precedents regarding indemnity law, is not a correct quotation. I stand up where I was when I put my signature to the pact. To move in that direction is to conciliate the other sections of the community so that the two sections of the Hindu community may come together. It is not for the purpose of driving out one section of the community and driving in another section of the community that I put my signature to it.”

* THE HON. SRI T. PRAKASAM:—“I am sorry I made a mistake. I congratulate the hon. Member, Mr. T. C. Srinivasa Ayyangar, on his holding to his conviction. Now he is pleading only for that community. I may tell my friends, Mr. Srinivasa Ayyangar, as well as the Rt. Hon. Sastri, that the orthodox of orthodox of the Hindu Brahman community must have reconciled themselves to a reform that was to be imposed upon them. There was a time no doubt when they were very superstitious and when they were very orthodox but during the last 50 years the most orthodox of them have changed and if they have not been thoroughly converted, it is only due to the argument that is advanced by Mr. T. C. Srinivasa Ayyangar and the Rt. Hon. Sastri, ‘Yes, conceding everything, let us have some regard for them.’ They have got every regard for what you say. It is your duty to have told them: ‘It is my conviction. You should not stand aloof. Here is a temple to which a Harijan has got as much access, as much right, as any one of us has got.’ Instead of doing that, having been trained in the law courts in the one sense, and in a diplomatic career in the other sense, they have not been able to make up their minds. That is how the whole difficulty has arisen. There is no custom to-day that can be called

8th August 1939] [Sri T. Prakasam]

really a custom which our ancestors had. In those days they were living a different life, in a different world altogether; they would not touch anybody, they would not eat with anybody. The present education is sufficient, our pleaders in law courts is sufficient, our visit to other countries is sufficient to have destroyed the custom. It is because of the erroneous principle of this custom that has been broken up that the Prime Minister has come in for such severe criticism. The Rt. Hon. Sastri stated that a Government like this is not entitled to be entrusted with the duties of governing the millions of people in a Province. If there is any Government that is entitled to represent the interests of the millions and discharge the duties in the way in which it is doing to-day, it is this Government. It is even said that the Prime Minister has not gone forward, more forward than what he has done. We are anxious and at the same time we are determined to do a right thing and to remove a wrong that has been for centuries together.

12
noon.

“ One other point I have and that is about the Indemnity Bill. The Rt. Hon. Sastri quoted his experience of Indemnity Bills being introduced only when the officers of the Government went far in excess of their powers and shot down people or killed people, when to give protection to them Indemnity Bills were justified. If an Indemnity Bill was justified for such an occasion, for killing and murdering, going beyond all the scope of authority, why not the Indemnity Bill be justified in doing the right thing over a social matter such as this? It is a simple matter. The Indemnity Bill has been applied in the mildest possible manner to give protection only to those people who were able to enter into the temple. I have not yet visited the place. That man, Mr. Vaidyanatha Ayyar was marked out by some people who pointed out that he had done a great harm. Mr. Vaidyanatha Ayyar and his wife are people who have been working there with all the care. Has Mr. Vaidyanatha Ayyar alone been able to do it? No. There was the trustee, the Executive Officer, Mr. R. S. Naidu. Much was said about him. Strong men like him are required to manage the institutions which have gone in a wrong way until now and to put them in the right direction. When people like him are to be charged under the law, the antiquated law, decisions are being quoted. The decision that is quoted by Mr. T. C. Srinivasa Ayyangar is a Privy Council decision. What did the Privy Council Judge know anything about the custom here? But the millions of the people have taken the vote in their hands and have got the power in their hands. They have sent their members to both the Houses of the Legislature and commanded them to do the right thing even in religious and social matters. And so, from any point of view it cannot be said that any wrong has been done.

THE MADRAS TEMPLE ENTRY AUTHORIZATION AND
INDEMNITY BILL, 1939 (L.A. BILL NO. 17 OF 1939),
AS PASSED BY THE ASSEMBLY

[Sri T. Prakasam]

[8th August 1939]

“ This movement and this Act will be followed up all over the Presidency and all over the country and will enable us to see that there is no community like the Harijan community hereafter. What is the Harijan community? What is the scheduled classes community? And Mr. Srinivasan says, ‘ Give me some protection for my people.’ This ought to obliterate all such distinctions. This must be treated as having blended the Harijan into the Hindu community. It cannot be done by any other means than by this Act of Temple Entry. This can be accomplished, and, let there be no more Harijan community or Adi-Dravida community.” (Hear, hear.)

* SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—
“ Mr. President, as regards the object of this Bill, the throwing open of the Hindu temples of this land to the members of the now excluded communities, there can be no doubt about the attitude of the party which I have the honour to lead in this House. Our aim has all along been not merely the removal of untouchability and all the concomitant disabilities associated with that bane, but to raise all the depressed and backward communities to a position of equality with the more favoured communities. Our object is the obliteration of all distinctions and differences based merely on birth. Now the exclusion of a section of the population from the temples is one of the innumerable humiliations and disabilities to which they are subjected; though we feel that their admission into temples is not by itself going to take them far along the road to political, social and economic salvation, nothing would have given us greater pleasure and more satisfaction than to give our wholehearted support to a measure which unreservedly declared the right of the Adi-Dravidas and other excluded communities to enter these temples without let or hindrance from any one. It would be the knocking down of one of the many barricades erected across the path of progress.

“ I wonder if this Bill is genuinely calculated to recognize and accept that right, which in all civilized countries is the inborn and inherent right of every citizen, the right to approach and enter into the place of worship set apart for men of his faith and to adore his God according to the tenets of his belief. Does not, this Bill, on the other hand, at least by implication emphasise the disability, lay undue stress on the concession side of the question and make what is one's due and right appear to be a matter of favour or grace? Anyhow, in the words of my hon. Friend, Sir Kurma, half a loaf is better than none and in that spirit I welcome this measure. Only let me express the hope that the Act will not be used for political purposes and with a political motive. Let not the injustice to which these unfortunate communities have been subjected be exploited to gain political

8th August 1939] [Sri N. R. Samiappa Mudaliyar]

ends. I pointedly refer to this aspect, because the history of the present temple-entry move, short as it is, has raised serious doubts in the public mind as to the altruistic motives of the parties concerned. Despite all disclaimers, it is for me hard to believe that the Executive officer of the Madura Devasthanam, Mr. R. S. Nayudu—a great and, in the words of Mr. Prakasam, a strong man—would have taken on himself the tremendous responsibility of going against an age-long custom which has acquired the force of law, unless he has had his inspiration either directly or at least by suggestion from above. Lawyer as he is, he should have been fully aware of the legal consequences of this act under the then existing law. He was exposing himself to a prosecution in a criminal court and a suit for damages in civil courts. Is it to be expected that Mr. Nayudu would have run these grave risks, if he had not had an assurance of immunity, a premonition of the coming Indemnity Bill?

“As regards the Indemnity Ordinance, I will content myself with expressing my surprise that the Congressmen who were indignant about the reserve powers of the Governor under the Government of India Act, should have themselves invoked those powers and caused the issue of the Ordinance. But that is perhaps quite in keeping with the policy of the Government in availing themselves of all those things against which their protests were most vehement while they were out of office.

“What I have said above about the Madura Executive Officer applies also to the Executive Officer at Tanjore and the few other places where temples are said to have been thrown open.

“The Government may not be unaware of the widespread feeling in the country, that this move inaugurated just at this juncture if not with their previous approval at least with their sympathy, has been thought of with a view to diverting public attention from the country-wide agitation which has been raging for some time because of the Government's financial policy and novel taxation proposals. This feeling gains strength from the fact that in other places as important as Madura and Tanjore, such as Tirupati and Negapatam, where the trustees who are directly or indirectly subject to the control of the Government are adopting a *non-possumus* attitude. The Officer at Tirupati bases his refusal not on the absence of public opinion but on the usual plea of custom and the extraordinary argument of Government orders. Would it be uncharitable to imagine that these temples are being kept in reserve to meet future contingencies?

“Just a word about the elastic provision of clause 3, which leaves the initiative to the trustees and requires the blessing of the Government. Sir, all parties excluding the sanatanists are

[Sri N. R. Samiappa Mudaliyar] [8th August 1939]

one in accepting that the removal of untouchability is essential. These trustees in most cases are persons who cannot afford to disregard the wishes of the Government and may have their eyes opened to the state of public feeling by a judicious inspiration from above. It may perhaps be that this correct sounding of public feeling may occur at a time when a contingency arises. Even so I shall not grudge the advantages which the Government might derive, if thereby my Adi-Dravida brethren are given their long-denied dues.

"I hope that this Act will soon be modified and our Prime Minister will bring an amending Act very soon removing all these restrictions and allowing the temples to be thrown open to the Harijans without any orders of the Government or ascertaining public opinion."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Mr. President, in spite perhaps of what may be called the severe opposition presented by one of our most able public men, I felt that the reception given to this measure in this Bill was a remarkably favourable one. In quarters where I on behalf of this Government have experienced the most tenacious and, if I may be permitted to say so, often the most unreasonable opposition, I found a most generous and unqualified support. I was looking forward to the 'buts' to the very end, but the 'but' never came. (Laughter) I found support which really surprised me and on the whole I thought that in the plan of Providence we were really getting to be very lucky. But lest I should be under any such delusion, the Leader of the Opposition has put in what I might say enough poison to convert the whole of the milk into bad stuff. I am amazed at the shortsightedness of such a kind of imputation. I am amazed at the unreasonableness of such an imputation. I am amazed, Sir, at the utter want of imagination which is the basis of such an imputation. He says that in order that we might divert the public attention from our follies in regard to taxation we have roused the sanatanists and our best and only friends, my own flesh and blood, against us, as if that were the best and cleverest method of diverting public attention and getting an advantage. I promise the Leader of the Opposition that if this measure goes through properly and the temples are opened, I am willing to hand over the Prime Ministership to Mr. Samiappa Mudaliyar."

RAO BAHADUR SRI N. R. SAMIAPPA MUDALIYAR:—"I won't take it."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"What is it that I want to divert public attention from? What end in life or in politics am I fond of? Am I fond of taxing people for the sake of taxation and because I wish to tax people? Are we imposing

8th August 1939] [Sri C. Rajagopalachariar]

our financial policy and levying taxes upon these unfortunate people who have been hitherto free from such levies, merely for the pleasure of it? It is for doing something else which we think is good. If it is good and if nobody else is to pay, these people have to pay and almost everyone has come to reconcile himself to it. We were just finishing up the rules about the General Sales Tax. I took no notice of the *hartals* and half-door *hartals* that were threatened in the newspapers and the inspired messages about it. I have got figures as to how many people have applied for licences for tobacco. There is no room for fear or for apprehension. There is no need for a man of commonsense to divert public attention in that form. If I had wanted to divert public attention, let me say that even if I were not a master in this art, I have got colleagues who are past masters in the art of diverting public attention, thanks to the wonderful training that we have had in the Congress for the past twenty years, when we were out in the jungle. We can divert public attention in a hundred and one ways. To say that we wish to draw the ire of this country, of those who were before our best friends, to be against us, to be writing things in the Press—all that would impute almost the worst sins to us. This is not imagination; it is wonderful lack of imagination. I wish that the Leader of the Opposition had not been all too easily led into making this kind of opposition. After all we may find arguments. We may look into old books. We may look into old law books and volumes. We may look into the Law Reports. We may look into ancient regulations and bring in some kind of argument, if we want an argument. But, surely, we need not impute base motives such as this which make the taste of even the best act in the world bitter in the mouth.

“ I beg pardon if I have said anything too strongly, Sir, in this connexion. I am reminded of what the hon. the Leader of the Opposition himself said of the truth that half a loaf is really better than no bread. At least I think that he has given some support to this Bill. That is half the loaf and I choose to call it so. I am quite content with that half loaf that is given, though it is covered with a lot of unnecessary and malicious package. It is packed as it were in an unnecessarily large amount of motives against this Bill. Tear off that package and take that half loaf put into that bad package. I tender my thanks. After all we want the thing to be done; there is time enough for these mistrusts to be cleared. After all, the thing is done with the help of all parties in this and the other House. It is done with the help of the nation. It is something which is good for the people. It is a gain for the people and for the unfortunate community which is put down as separate people not even fit to be touched. ”

12-15
p.m.

[Sri C. Rajagopalachariar] [8th August 1939]

Mr. Srinivasa Ayyangar and the Rt. Hon. Sastri also gave their half loaves of bread in spite of their opposition to the method, manner and the law and still they had the grace and the readiness to say, 'We support this measure of removal of untouchability and the opening of temples wholeheartedly. We have no difference whatever on that point.' That also is really to be welcomed. That is another kind of half loaf. Because it is after all the substance of the thing that matters. We can tell the people: 'Never mind if I was wrong; I was hasty; I was even wicked. Here are your people, your best friends. They are learned, experienced and sensible men, men whom you revere. They say this thing should be done.' They need not believe in this Bill. Good men who would listen to Mr. Srinivasa Ayyangar and Mr. Sastri may open the temples without this Bill. If they would only co-operate in that manner that is all that I want. I am grateful for these different kinds of half loaves that we have been getting and for the cordial support of others. It must have cost a great deal to Sir K. V. Reddi to bring himself to support anything that I did. (Laughter) Not that I am not aware of that difficulty in one's mind. But he has got over it and he has said: 'Let me for once have the peculiar pleasure of having given my wholehearted support to my eternal enemy.' (Dr. Sir K. V. Reddi: 'I am an enemy of your principles and not you.') (Laughter.) (Worse and worse.) I never imagined that he was a personal enemy of mine. He only meant it in the sense he has put it. There is a great sacrifice involved in the unqualified support that he gave. The sacrifice is indicated when he at once gave notice: 'Hereafter I will not support you in every matter. But in this I support you.' (Laughter) This is not half a loaf. That is more than a loaf. It is one and a half loaf. (Laughter) Because it is an endorsement of the correctness of what we are doing from one who is so prejudiced against us that he would like to find out any fault even if it be by a hair's breadth. If from such a quarter we have found support it gives courage to me. It gives courage to us all. There is reason and there must be reason when you find a first-class opponent like the Rt. Hon. Srinivasa Sastri supporting the measure. I do not want to go into the motive. I will give full face value and say that he has given the fullest support that one can possibly give. That is enough encouragement for one to go through bravely in this matter.

"Not only that; I must specially tender my grateful thanks to the Rt. Hon. Srinivasa Sastriyar for another matter. He has stated on a very delicate matter his opinion with which even the Leader of the Opposition seems to be joining though from a

8th August 1939] [Sri C. Rajagopalachariar]

different angle of vision. Ideas of civil liberty we have seen from all quarters. But that would be distraction. The main trend of the argument is this. I tender my thanks to him because he said, 'Contrary to the views of some of my friends I hold that the Prime Minister was justified in having recourse to an ordinance for the purpose in view.' It is a great thing to have that endorsement from the Rt. Hon. Srinivasa Sastri. [I do not mind the Leader of the Opposition's doubts in the matter. I am greatly strengthened by the view of Mr. Sastri. As I have already said, it is plain to anyone who knows the art and technique of Government and administration, that the Legislature is supreme and that the Legislature has the Executive to carry out its policy while in office. The Legislature is not sitting. To wait till the Assembly was summoned would be like the foolish servant who said: 'The tiger is on the rails. I am not able to go to the booking office. Please telegraph instructions to me.' The Executive has to carry out the policy of the Legislature and the will of the Legislature without a moment's interruption or break. It is because of this that in all constitutions in one form or another this power is provided for the Executive. There is nothing to object for those who are students of politics or administration. The country is full of prejudices—prejudices born of religion, prejudices born of custom, prejudices born of antipathy and prejudices born of political movement. Therefore this opposition to the ordinance is a sheer superstition, a prejudice born of the previous political movement, which has no reasonable basis whatsoever. That must be obvious to those who know what Government is and what Government has to be.]

"Apart from this, I have only to deal with Mr. Srinivasa Ayyangar in the first instance and the Rt. Hon. Sastri on the merits of the Bill. Mr. Srinivasa Ayyangar raises his eye-brows in horror and says, 'You are infringing the law.' We are not infringing the law. We are making the law. We want the law to be made in order to correct the wrong position. Necessarily we must infringe the previous retroactive legislation and must necessarily come in to correct the previous law, not only to correct the previous law, but also to make the law correct hereafter. That is the object of this Bill. Therefore Mr. Srinivasa Ayyangar should not be surprised at the fact that the remedy that is proposed is contrary to the law existing before. It is contrary to the law, as I can understand, of trusts, of civil law, of criminal law or torts, etc., in every respect and whatever change we must do must affect all these laws. Therefore there is no meaning in his objection based upon a quotation from an old law report. Otherwise, I would ask the Advocate-General to plead on the basis of the old law. We want a new law. Therefore there is

[Sri C. Rajagopalachariar] [8th August 1939]

nothing in the quotation from the old law. Probably Mr. Srinivasa Ayyangar has at the back of his mind a feeling that there is a law of property and law of trust which can never be altered—in fact, something like the agamas which Mr. Natesa Ayyar quotes and contends that they are eternal and unchangeable, that they are the word of God and cannot be altered. We do not hold that view in these modern days. We do not hold that the laws of property or trust which are opposed to public policy are things that can be put aside on the plane of untouchability. Even the most orthodox jurists have accepted the position that the will of the people must reign supreme, that the Legislature is supreme. There is no appositeness in quoting parallels. We should quote law reports to see what the law was, in order to see what the change should be and not to oppose a particular change. The law reports cannot lay down any principle which can prevent any legislation of any kind, whether it is the law of trust or property or civil or criminal law.

“ Let us examine the second question. The argument was not only about the law of trusts. He as well as Rt. Hon. Sastri argued very strenuously to show that it is only in those cases which they pictured, where they see repression and the like, it is only in those cases that the possibility of passing a law of indemnity can be investigated. But where there is no bloodshed, where there is no murder or acts of police violence or where there is no excess of police or military authority; there can be no indemnity of any kind. I think Mr. Prakasam in his own inimitable way completely smashed the position. The greater proves the less. If we can approve indemnity covered by acts of military excess, surely where honest, philanthropic and good men have infringed a bad, technical or immoral law, they should be protected. It is not because the law reports are full of greater indemnities that smaller indemnities are out of jurisprudence. Both Mr. Srinivasa Ayyangar and the Rt. Hon. Srinivasa Sastri intend to base their arguments upon this. The Advocate-General has shoved upon me a musty old volume saying that there is an English Judge that has said that on every point there can be indemnity and that on every matter law can be passed by a legislature, that every act which was done as a public policy of Government should be deemed to be legal and that the legislature can pass laws and make laws to make them legal. I do not wish to quote them. It is obvious to me and must be obvious to the House. I do not want to weary the House with quotations which might look legal, but after all are matters of commonsense. I say the legislature has power to save good men from any bad consequences arising from their good conduct. If even excesses

8th August 1939] [Sri C. Rajagopalachariar]

can be covered by indemnities, proper *bona fide* acts can certainly be covered by indemnities. But Mr. Srinivasa Ayyangar went further. Sir, I do not wish to be harsh. But I think he did what I would consider to be unwise and dangerous and I must say it. He pictured to us blood and chaos and turmoil that came to be when similar things were done 45 years ago and said, 'Those things have not happened now. Therefore times have changed.' I say the same thing. These things have not happened and therefore we have to change the law. The painting which he indulged in of these dangerous things made me tremble a bit. He might not have meant it. But it is suggestive of certain things which are not meant or intended. Even now there is superstition enough to break into a thing like that."

12-30
p.m.

SRI T. C. SRINIVASA AYYANGAR:—"I am afraid the Hon. the Premier is putting a wrong construction upon my remarks."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I hope so, and I said so."

SRI T. C. SRINIVASA AYYANGAR:—"Yesterday the Hon. the Prime Minister said something about this, apparently thinking that this peaceful atmosphere is due to the absence of a contrary opinion. I said that it was due to the good sense of the people and to the large volume of public opinion which is not in favour of the method adopted for the entry, but which still wanted to preserve a good atmosphere. That is why I said I was glad to hear the interjection 'Hear, hear.' It indicated that there was an appreciation of the good sense shown."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I was saying, Sir, that while that was the motive and the reason, too lurid a picture was painted. It was wholly unnecessary and, at least, it was very dangerous. I plead again that it may be very nice so far as paper and ink and logic go. It may be nice to say, 'Well, there was so much rioting, so much anger and so much passion over the same thing. It has not happened now.' Not only has it not happened after the thing, but it has not happened even after the method was adopted to which objection is taken by Mr. T. C. Srinivasa Ayyangar. This is therefore a complete answer to any objection that may be raised even to the method. But the point I am dealing with is a different thing. It is a question of dangerous policy. It is wrong to remind people of their angers. It is inapposite now. It is wholly unnecessary to paint this picture now. I go further and say that it is not only Mr. T. C. Srinivasa Ayyangar who has painted this picture, but others have painted this picture in Madura and would like again and again to try that method. There are people whose mouth is,

[Sri C. Rajagopalachariar] [8th August 1939]

if I may say so, watering for disturbances of this kind and who are disappointed that such disturbances have not come about, because they would, like other people, remain behind and work in the law courts."

SRI T. C. SRINIVASA AYYANGAR:—"Sir, the Hon. the Premier said that the mouths of some people are watering for the purpose of disturbances. I am afraid he is doing Madura scant courtesy. If there was a disturbance it was in the meeting held against the temple-goers."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"However, let me come to my point. I did not wish to put any wrong construction on what Mr. Srinivasa Ayyangar said. I was saying only that these pictures are dangerous because they are too plausible to be repeated. Therefore we must all combine not to paint such pictures before people who are still ignorant. It is not Mr. Srinivasa Ayyangar alone who said this. Remember what the Rt. Hon. Sastri said yesterday. He is not sure that the majority are in favour of this. Remembering that one can see the danger of painting such pictures and recalling ancient history, I want to say that it is safe if really there is sympathy for this reform; it is safer anyway that we do not bring back ancient pictures of horror and difficulties and trouble. A thing forgotten should be forgotten and history is all too unnecessary. We can write histories later on if necessary. But we are not yet out of the wood and we do not think we can indulge in historic recapitulation of bad things.

"The Rt. Hon. Sastri said a great many things yesterday. But I must first unburden myself of what I have in my mind, namely, the extraordinary beauty and the extraordinary perfection, if I may say so, of the speech that he made yesterday. But, having said that, having appreciated it in full measure, I must say—he must permit me to say—that it was all too much like a beautiful lady's umbrella—a silken umbrella perfect in form, in beautiful symmetry, full of colour and beauty—which gave no protection either against sun or against wind or against rain. (Laughter.) It gave no protection whatsoever against the sanataniists who object to this measure. It gave no protection to the untouchables who want something to be done. It gave no hope or encouragement to those who are suffering. It gave no defence to those who are trying to do some work in this connexion. Sir K. V. Reddi Nayudu put it bluntly when he said that there was nothing constructive in that speech. I cannot say that myself. There was some constructive reference in it though there was no new plan. The Rt. Hon. Sastri says: 'Carry on in the Malabar Temple Entry way. Don't go in for a new measure.' That is the positive side of what he said. But it is very flimsy. If the Malabar

8th August 1939] [Sri C. Rajagopalachariar]

way would have been enough, we need not have worried about this. But what has he said about what was done? All the reporters have nearly missed the one important thing he laid stress upon yesterday. I read the papers last night and I therefore must repeat it. The one important thing which is not mere framework, which is not mere dead body, which is not mere blood or flesh but life, is the activity, the action that took place in Madura on the 8th July. That is the life, that is the spark of immortal life out of which we must light our fires and carry on. That is the light which can put life into the dead bones of our laws, rules and regulations. Therefore, to me it is not the law that is important; what was done on the 8th July is important. Wrong, you may say; illegal, you may say; but that is the life."

SRI B. NARAYANASWAMI NAYUDU:—" May I know what happened on the 8th? "

* THE HON. SRI C. RAJAGOPALACHARIAR:—" On the 8th July the temple was actually opened by brave and good men to the Harijans and the Harijans went and worshipped there. And they went and worshipped the next day. The day after, another temple was thrown open to them and more temples were opened to them. In orthodox Tinnevely a temple was opened to them and another again in Tanjore. Is it the law or the ordinance that worked? No. It is the thing that was done in Madura that contained the life. That is what I call the *atma* of this movement. The rest is only the body. Therefore I say that should be retained. But what happened here? Both the Rt. Hon. Sastri and Mr. T. C. Srinivasa Ayyangar said: ' That is wrong. That is wicked. They should be punished. You should not save them.' That means to say: life must be ended and the carcass must be retained. To me it is of no value. Therefore I say, that which was done on the 8th of July and the succeeding days, even without the enactment of the Ordinance, even without the enactment of this would-be measure, is far more important and contains the germ of life. It is like our milled rice. You remove the germ and eat the starch. If I follow the advice of some hon. Members here, we would only have the mill-polished starch. We would pass a temple entry measure, but that would be without life. Therefore I say that that is the essence which should not be lost sight of, which I said yesterday and say again to-day. That is why I say, it is both the indemnity and authorization that are required. Authorization is not the chief thing. It is the indemnity that contains the life, the spark that will hereafter grow into a big fire.

" The Rt. Hon. Sastri referred to the feelings of those who have been so honestly and sincerely and devoutly following the

[Sri C. Rajagopalachariar] [8th August 1939]

superstitious notion which he and I and all of us condemn. I do not in the least grudge that appreciation. He may take it from me that I am as full of that feeling towards them as he is. I am as conservative as he is in that respect. I have the same nerves and the same blood that vitalizes their body. Therefore it is not difficult to realize the feelings of those people. But I want my Rt. Hon. Friend to realize the feelings of the other people also. I missed that in his argument yesterday. But I have no doubt whatsoever that he will not be behind any one in understanding the feelings of the depressed classes, the excluded castes or the untouchable people. He does not feel it less than anybody else. But in his arguments yesterday one missed it. He did not paint both sides of the picture. He painted only one side and he did this most beautifully. He quoted the names of the rishis from whose bowels some of us claim, by formulæ repeated without interruption from generation to generation, to have come. He repeated those great names and said that they belong to those orthodox people and not to us. I deny that. I do not accept that proposition. I say, those rishis belong to us the reformers and not, Sir, to the orthodox people. Take the scriptures with regard to these great names which he quoted. We find that what they did and what they said are much nearer to what we want to be done in this respect than what is said by the orthodox to be the law and the unchangeable law. The fundamental of Hinduism is put aside. If I may talk in the language of another scripture, the Commandment of God is set aside in order that man may keep the traditions of man only. The washing of cups and clothes are preserved and the Commandment of God is set aside and frustrated. Are people who follow that line of action to be said to be nearer to the ancient rishis? He and I and others who want this reform claim that the rishis are near to us, as near to us at least as to those people who hold on to their own traditions and practices. Mere rules of architecture, mere rules of ritualistic practices should not be elevated to the rank of eternal law and the claim made that the rishis are much nearer to them than to us. I do not concede that proposition. I claim that we are as near to the rishis, if not nearer, and that we are really carrying out the spirit of the teachings of those rishis if we open our temples to the Harijans. We do the contrary if we refuse to open the temples to them. Therefore he must plead for us before the people if he will take interest in the subject. I crave the help of people like him. There is no more valuable help than what we can get from the Rt. Hon. Sastri and Mr. Srinivasa Ayyangar. It is open to them to give this help which we really need in order that the hearts of the people on the other side might melt and we may have things done by agreement and not by fighting and by competition.

8th August 1939] [Sri C. Rajagopalachariar]

“ Mr. Srinivasa Sastri then quotes—it is not new to him to 12-45
preach to us—the golden mean. It is always his way and it is p.m.
his mission, if I may say so, to warn and to ask us neither to
swerve on the one side nor the other. But the rule that
in all public matters of primary importance the means are as
important as the end, is a good golden rule. I admit it at once.
And I go further; he need have no mistakes about my views on
that matter. The rule that the means are as important as the
end and are as sacred as the end, does apply not only to matters
of primary public importance but to all matters. I would say
in all matters the quality of the means is as important as the
end and it is as dangerous to adopt wrong quality as the means
as it is dangerous to go to a wrong goal. But I claim that in this
there is no infringement of that rule. There is no infringement
of that rule if the law goes to assist those who have tried to
remove untouchability, who have tried to get the worship
available in Hindu temples to Hindus who have been denied it for
ages and which we all agree should be given to them. I do not
think we do wrong in saving good and innocent men from being
punished for a crime based upon a cruel and unadulterated
superstition and foolish judge-made law permanently enacting
that the superstition shall remain as the law of the land. I say
that it is not wrong at all for us to go to the help of people who
may be convicted for a supposed charge based upon a mere super-
stition which has been made into law. Why? Not on the
merits. It is the regular imperialistic practice throughout the
world to maintain all bad customs prevailing in all lands which
come under their sway, because it is on the strength of these cus-
toms that the sway itself has been maintained. It cannot be
altered and this law by which a bad custom, a wicked custom,
which becomes not only civil law but even the criminal law of
the land is really a corollary of and an adjunct to sheer imperia-
listic expedience. Otherwise how could this be justified? Are
we not now in modern times and can we say, ‘ I will punish you
for a crime, for the crime of defiling a Hindu temple?’ If they
went and worshipped with all the devotion you know, have you
the heart to say, ‘ I will jail you; you have committed defilement
of this temple?’ He may be guilty of a hundred wrongs. I
can say, ‘ You are guilty of house theft’. I can say, ‘ You are
guilty of trespassing into another man’s property’. But that is
not the law. The law is that he is guilty of defilement of a place
of worship. Is it wrong for an indemnity to be given to a man
like that who has been found guilty according to the law which
has been for ages based upon the superstitious practice? There-
fore, I plead, Sir, in defence of myself that I have not infringed
the rule that the means are as important as the end. I propose

[Sri C. Rajagopalachariar] [8th August 1939]

to keep that as ever before me that the means are as important as the end not only in all matters of primary importance but in all matters, let me say, without classification. But here I plead that it is not wrong means and not a wrong end.

"The Rt. Hon. Sastri repudiated, if I may say so in loose language, the sanctity of the Poona Pact. Sir, I interpret Mr. Sastri's gesture to mean that he did not."

THE RT. HON. V. S. SRINIVASA SASTRI:—"I put it in a sentence yesterday which apparently did not reach the Hon. Premier's ear, that I feel bound by it."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I was coming to that// He feels, he has stated, that the Poona Pact was the result of moral coercion and all people are not bound by it. We should not overstate the binding character of it as binding on everybody. (An hon. Member: Exactly.) The Rt. Hon. Sastri himself feels bound by it, whether he was bound by law or not. That is what he stated, I think. But I say that he has cast a doubt on the character of that Pact all the same. He and I may be bound, he has admitted. Sir Tej Bahadur Sapru may be bound but certain people may not be bound by it. But what is the relevancy of that now? It is possible, Sir, that Bengal politicians may still plead against the political consequences of that Pact. That was no doubt the motive of Mr. Sastri's statement. He forgot, I respectfully say, the relevancy of that to the present purpose. The reason why I refer to the Poona Pact in this connexion is not the political consequences of it but the moral and the religious promise that we made to the country as a whole, the promise that all this . . ."

THE RT. HON. V. S. SRINIVASA SASTRI:—"That again, Sir, is an extraordinary misstatement coming from an eminent lawyer like the Hon. Prime Minister. The community promised, the community bound itself! May I know where and how?"

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I was waiting, Sir, to see whether I have made a wrong statement but I see that Mr. Sastri's objection is a different one. He says I am wrong in my inference; he should wait for me to prove my inference. I am glad that he has given me the point to meet. I was saying in the other House and I say it here that the arrangement we came to at the time of the Poona Pact covered the opening of the temples also and the removal of untouchability. Mr. Sastri is entitled to say that the sanatanists are not bound by it. Mr. Sastri is entitled to say that from the religious or social aspect of it certain people who were never parties to it are not bound by it. Mr. Sastri is even entitled to call in the aid of

8th August 1939] [Sri C. Rajagopalachariar]

the law books and say that a community is not a corporate society to be bound and there is no attorney appointed by a community to sign an agreement on behalf of the community. I concede that. But there is something like an arrangement aimed at by the whole people. Does not the Rt. Hon. Sastri know that the Secretary of State waited for the agreement of the entire community as such? Whether he intended a corporate body or an association I do not know but he waited for the consent of the Hindu community as a whole, he waited for the consent of the Scheduled Castes as a whole, in order that he might endorse the alterations that were sought to be made in the constitutional arrangements and the electoral arrangements and he accepted the verdict to be sufficient to cover and bind the respective communities as such; and the political re-arrangements were accepted as such and Mr. Sastri and I are all under that arrangement here. (Hear hear.)

“And he says it is not binding. He can well say this part of it is not the part of the pact that the Secretary of State intended. We can argue like lawyers. But let us argue like men. Let us argue like religious men, let us argue like pious men. We think it is a part of the agreement. But he cannot say that there was no agreement, that it was a mere scrap of paper and there is nobody bound by it except those willing to be bound by it by grace or concession, like himself and me. We are bound by it, Sir, in a slightly greater legal sense than merely the willingness to accept a good restriction of that kind. We are bound in terms of law and politics to carry out the terms and the representations upon which we got certain changes made at the time. The changes were made by the Secretary of State after the Poona Pact. He may go back. Beyond all this he may say, ‘Well, all that was wrong because a man like Mahatma Gandhi threatened us that he would lose his life if such and such a thing was not done.’ But that would be too difficult a matter to go into just now. It is unnecessary. But a secular minded person like Dr. Ambedkar, a secular minded person like Sir Tej Bahadur Sapru, they were all the time there; Malaviyaji was there, a devoted supporter of Hinduism and one who has attuned himself to Hindu orthodoxy perhaps a little more even than the Rt. Hon. Sastri and myself. They were all there and they all accepted these terms in full; and not only accepted them but sent them to the Secretary of State with their original signatures. Not only that. They held meetings thereafter—the day after, and five days thereafter, big meetings in Bombay where they spoke in the name of the community as a whole and where they said that these things were to be done and these other things were to be done. And what we are

[Sri C. Rajagopalachariar] [8th August 1939]

now trying to do is to recognize in practice one of the promises made on that occasion. I say, Sir, therefore at least as a legislature we are entitled—I am entitled to say we are *bound*—to carry out the terms and the promise that we made on that occasion. If any reason were necessary, that is to say, if it is not by itself a sufficient policy, I have to make reference to these terms and this Pact. But apart from the Pact, Mr. Sastri's view in regard to this is earlier than the Pact. He and I agreed that these temples should be opened, even before the Pact was signed or the electoral arrangement was made or anything like that happened. We are bound by this improvement of our position and we are bound to carry it out. I am therefore, Sir, eager that this thing should be done and that a hole should not be picked in it merely for one reason or another. We should be spoiling a good thing by creating these difficulties. As I said before, I believe in the potency of events that happened. And therefore I do hope that this reform will stand.

“The Rt. Hon. Sastri said as an objection to the frame-work of the Act that the Malabar Temple Entry scheme simply will remain idle hereafter—may be, a dead letter—and that the present enactment will take its place. I pray so, I may say at once. But I am not sure. I am afraid things are not so good as he seems to think. They are not, from my point of view. I am afraid that trustees will not be so bold. I am afraid that priests will not be so agreeable to help the trustees to get the necessary preliminaries to do such things. I have those fears. (Interruption.) My friend, Mr. Prakasam, who is a keen student of psychology says, ‘Do not say that you are afraid; carry on; you will win.’ True, but Mr. Sastri says the contrary. ‘You will be too bold; you will simply coerce trustees to do it; you will simply make unwilling trustees to sign and do it.’ Is he not aware that he is imputing very bad conduct to Government officers by it? (Rt. Hon. V. S. Srinivasa Sastri: ‘Human conduct.’) I do not know in what sense he uses the word ‘human’ there. I would rather say it is humane, no doubt on behalf of the Government that we should be tempted to do such a thing. But yet the means are as important as the end as he has stated very correctly and it is not likely, Sir, that Government will say to a reluctant trustee, ‘No, you must sign.’ Is he not sufficiently a man of the world to see that the Government cannot approach one of its own servants? Even should the trustee be so interpreted, the Government cannot approach their own servants in that manner. Is it possible for me to ask my own servants, my own officers to do something wrong? It is impossible, morally impossible. Therefore, what Mr. Sastri fears is something else for which I shall find the words though he

8th August 1939] [Sri C. Rajagopalachariar]

has not put it. He says, 'Your moral influence may act as a contagion on these trustees. Your opinion may influence other people's opinion. They may be changed soon to a proper reasonable process of gradual reasoning. It may perhaps bring them round too.' I want all to be equal. I do not mind the influence. I do not mind a little bit of goading of that kind. While on the one hand I say that nobody is going to use illegal, invalid pressure, nobody need regret opinion ever having its influence. The pressure of opinion of one like the Rt. Hon. Sastri, expressed clearly and in crystal English, we want this influence to be exerted. I am in favour of it. It is not wrong. It is the opinion of orthodoxy which is really an incubus and a superstition sitting upon them contracting their hearts and which they inherited from their forefathers. 1 p.m.

"I would like these things to have their influence on the minds of the trustees and if the trustees hasten to agree to open temples taking courage in both their hands, as Sir K. V. Reddi Nayudu said, we should not regret it; we should welcome it. The Government are in favour of this; the Opposition are in favour of it; the independent men are in favour of it; the nominated members are in favour of it; and the Vice-Chancellors of the Universities are in favour of it. So, what is the use of hanging on to this old Agama literature and things like that? After all, there is also an authority in our Vedas which says that, if all people want to do a certain thing, others should not stand in their way, taking shelter in the name of orthodoxy. After all, heterodoxy will suddenly become orthodoxy even as so many things we see around us which were perfectly once heterodox have become orthodox at the present day. This is not merely ornamentation of the body, or cutting of the hair, or the cutting of the dress or the going away to Burma or Ceylon or London for a selfish purpose. Are not these things becoming orthodox? Here is an altruistic purpose, a thing for which the public will have to be generous and show their valency. It would be showing greater valency, though it may be heterodox, if only friends who want to show their heart to other people will throw their full weight on this side. I do not want them to say what in their opinion is not a correct procedure. The right procedure for them should be, if the Bill is passed, to put their whole weight for keeping the temples open for these Harijans. It is in the spirit of orthodoxy and conservatism that these temples should be kept as places of worship where people can go for solace and peace. It is in that spirit that temples should be maintained and it is in that spirit that I want this Bill should be accepted by the House. I move that the Bill be taken into consideration at once."

The motion was put and carried and the Bill was taken into consideration.

[8th August 1939]

Clause 2.

SRI B. NARAYANASWAMI NAYUDU:—"I beg to move the amendment that stands in my name and which runs as follows:—

'Omit the words "or assisting" in line 7 of clause 2 and the words "other persons" occurring in the last but two lines of clause 2.'

"Mr. President, the clause is an indemnifying clause and I quite recognize that those people who are affected by this should be indemnified. I have given notice of this amendment because this clause does not stop with the executive authorities of the local boards or the municipalities, the trustees of the temples and other officers, but it goes further and says that all persons assisting such persons in these matters also have to be indemnified. The real question is this: whether the indemnity clause should be passed by this House. It is not at all a simple matter. I may at once state that there is no dispute at all as to the competency of this House to pass what is called Indemnity Bill; you have got the power. It does not follow that you can pass indemnity laws for all. The Bill as it stands seeks to indemnify not only the trustees, officers and poojaris, but it also seeks to give protection to persons who are assisting. Who are the assistants and whether they deserve indemnity is the principal question. That is the real point in the case. That has to be answered perfectly clearly. References have been made to sparks. The real question is, who is the spark that is going to be sheltered? Is it the spark of the 8th July which is going to be saved and which is going to be sheltered? That is the question now. They may be very good sparks. The sparks may consist of three classes of persons, viz., (1) the professional politicians, (2) the goondas and (3) the misguided persons influenced by the members of other communities. We are not so much concerned with the Harijans who have got an age-long disability. Now we have got another category of persons, viz., 'assistants', the Prometheus. That means all these persons will be authorized not only to go and ask a member of the Legislature to repeal the law but also to allow them to take the law into their own hands. That is the real thing to be answered by this Government in asking this Council to pass this legislation. I ask, 'Are you justified in making the professional politician or the goonda or the misguided, enthusiastic and dynamic persons to take the law into their own hands and then allow them to go here and say, 'Please protect us?' That is the whole position. It is not at all a simple matter. As my hon. Friend the Rt. Hon. Sastri said the means do not justify the end. Is there any justification for indemnifying these people? The two things, viz., the passing of a legislation for temple entry and passing a legislation for indemnifying all these

8th August 1939] [Sri B. Narayanaswami Nayudu]

persons are entirely different. There should be no confusing, there should be no mixing up of the two. These people have got their own places. If the public opinion is so strong, they can come to the Ministry and say, 'The opinion is so strong that we cannot but pass legislation allowing the entry of Harijans into the temples.' They can agitate before the people. But the Prometheus spark cannot come and say, 'I will go and turn out all those people who oppose the temple entry of Harijans; I will allow them and then come here and ask for protection by asking this House to pass a piece of indemnifying legislation.' I am sorry the Advocate-General is not present here. There are limitations for passing what may be called indemnifying legislation. There are certain well-known restrictions which should be observed in passing legislation of that sort. Now who are those assistants, and what is the protection for? Why do they take the law into their own hands? I am awaiting the Hon. Premier to say something as to what right they have got to take the law into their own hands. You have got a right to allow the Harijans into the temples. But could you alter the means because the end is beautiful? I may in this connexion remind hon. Members of this House of Jameson's raid in South Africa and the events that happened at that time. There was a war between Boers and the English people and a certain gentleman by name Jameson marched with the succour of his own people, fought for the cause of the British and succeeded. But because he broke the existing law, he was convicted first and not indemnified as is done now here. But afterwards he was released from prison and was given a high office for his bold and courageous action.

"Sir, this sort of indemnifying a person for doing an unlawful thing is an invasion of fundamental rights. As the Rt. Hon. Sastri rightly said, you cannot be entrusted with power. There is no reason at all for this legislation; there is no compelling necessity. There is the Malabar Temple Entry Act now and there is the constitutional method of giving effect to your desire. Giving protection even to those who assist in the breaking of the existing law is nothing but goondaism in politics. Therefore I oppose this. In fact, as the Leader of the Opposition said rightly, the more I think of this Bill the more reminded I am of the famous saying of Bismarck, 'Whenever the Englishman talks of Christ, he means only cotton duty.' In the same way whenever the Gandhian Government talks of the freedom of the country, it only means a vote-catching device. Otherwise there is no explanation for this method. What is the meaning of an illegal act? Those people who have committed an illegal act cannot claim indemnity from this House. Sir, temple entry may be an excellent reform. But here you have not done what the

[Sri B. Narayanaswami Nayudu] [8th August 1939]

British Government did in the case of Jameson's raid. When he committed an unlawful act, they would not excuse him. You can change the law at any time. But the supremacy of law was not changed and it is not changeable. It is our duty to maintain that supremacy. This is a fundamental duty of any civilized society; or Government and you have failed there. As my friend, the Rt. Hon. Sastri, said you cannot be entrusted with power."

SRI M. D. T. KUMARASWAMI MUDALIYAR:—"I second it."

1-16
p.m.

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Mr. President, I do not wish to go into the motives which have been attributed by Mr. Narayanaswami Nayudu in his own inimitable manner. I do hope that it is not only capable of imitation, but nobody will try to do so even if it were capable. The amendment is that the words 'or assisting' in line 7 of clause 2 and the words 'other persons' occurring in the last but two lines be omitted. The words in the context are these: . . .

no priest or person officiating as such and no person entering or offering worship or assisting or acting under the authority of or with the permission of such officer, servant, authority, trustee, priest or person officiating shall be prosecuted . . .

That is to say, Mr. Narayanaswami Nayudu does not seem now to object—at any rate he seems to have reconciled himself, apart from his general opposition to the Ministry or the Government—to the clause if it says that no priest or person officiating as such and no person entering or offering worship or acting under the authority of or with the permission of such officer, etc., shall be prosecuted. But his objection is to the inclusion in this clause of any person assisting in these matters. I submit there is no meaning in his position. What he means to say amounts to this: 'Punish only one whom I shall name and I shall be satisfied.' He has also named him: 'If you punish Mr. Vaidyanatha Ayyar, I shall be content; you may indemnify anybody else.' Put in that way, it may seem a caricature of the position, but that is really what Mr. Narayanaswami Nayudu means when he seeks to omit the words 'or assisting.' Here I may mention that even without these words, the remaining words would save Mr. Vaidyanatha Ayyar all right. But it is not to save Mr. Vaidyanatha Ayyar that we have put in the words 'or assisting,' but it is to save commonsense. If a priest is to be indemnified, if a person officiating is to be indemnified, if a person entering and offering worship is to be indemnified and if a person acting under the authority of or with the permission of such officer, servant, authority, trustee, priest or person officiating is to be indemnified, then the person assisting them should not be simply sent to prison if anybody chooses to prosecute them. The point is even simpler than

8th August 1939] [Sri C. Rajagopalachariar]

that. This clause deals with indemnification of past acts. As a matter of fact Mr. Narayanaswami Nayudu knows the persons against whom cases have been brought. (Mr. B. Narayanaswami Nayudu: 'I do not know.') It is not an indefinite body of people whom we are trying to save now. This clause is merely to indemnify past acts. I have to oppose also the other proposal to omit the words 'other persons' occurring lower down in the clause. I submit to the House that the amendment should be rejected."

The amendment was put and lost.

Clause 2 was put and carried.

Clause 3.

SRI B. NARAYANASWAMI NAYUDU:—"I beg to move the following amendment:

'Substitute the following for clause 3 excluding the Proviso and the Explanation thereunder:

—"The trustees or other authorities in charge of any Hindu temple in the Province of Madras shall throw open the temples to all classes of Hindu society and thereafter persons belonging to all classes of Hindu society shall have the right to enter into and offer worship in such temple:

Provided that if, in the opinion of the Government, any temple or temples shall not be so thrown open except in conformity with the provisions of the Malabar Temple Entry Act, the Government shall declare accordingly and thereafter all such temples so declared shall be governed by the provisions of the Malabar Temple Entry Act."

Sir, in this business of throwing open the temples, at present the locks are in the hands of the trustees and the Government. The locks have either to be put on the temples or taken away from the temples and the temples thrown open without all this ado. The Malabar Temple Entry Act said that there should be a referendum. This Bill says that there should be no referendum because it will lead to acerbity of feeling. Why not then adopt the straightforward course and throw open all the temples and remove all the locks? This business of volunteers going round and pushing and creating a stir—all this must go. Why do you want the Promethean spark to go on igniting from man to man and from place to place? That is the exclusive monopoly of the Government and no other person should handle it. If other persons ignite the spark they will be caught. It is admitted that the demand is

[Sri B. Narayanaswami Nayudu] [8th August 1939]

insistent and compelling and that the Malabar Temple Entry Act is useless. Then why not throw open all the temples? If in the opinion of the Government certain temples should be reserved, then have the procedure of the Malabar Temple Entry Act with regard to them. What is this middle course for? Am I not justified in making the remark that this is merely a device to keep under their thumb both the depressed classes on the one hand and the sanatanists on the other? The sanatanists after waiting in deputation on the Viceroy will come to see the real remedy. The real remedy is the Prime Minister here. The sanatanists will go to the Prime Minister and say, 'Don't throw open this temple or that temple.' The political machinery requires the help of the sanatanists and this Bill gives the necessary power to the Government which can be used for the purpose of electioneering and for the vote-catching business. The sanatanists may be told that if they voted for the Government the temples would not be thrown open. We are living in an age of elections and we are justified in saying that we are giving an advantage to the Government's political machinery which the Government are not entitled to. Let them either throw open all the temples or if they want to reserve certain temples, let them notify them and say that with reference to those temples the procedure of the Malabar Temple Entry Act should be observed. Instead of doing that, the Government say that they want power in their hands to say which temple should be thrown open and which not. The Government want a blank cheque for their budget, a blank cheque for their powers and a blank cheque with regard to religious institutions. This blank cheque business has been the bane of all institutions and this must be put an end to. I oppose the clause and move my amendment."

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"I second it."

THE HON. SRI C. RAJAGOPALACHARIAR:—"Sir, I have to oppose the amendment, because it is really not an amendment; it is really opposing the whole Bill. It is getting back to the position of the Malabar Temple Entry Act and the extension of that principle to the rest of the Presidency or it is a suggestion to throw open the temples by a fiat of the Government. It is opposed to the whole principle of the Bill and I submit that I need not take more of the time of the House to explain it. The Government cannot accept the amendment at all."

The amendment was put and lost.

Clause 3 was put and carried.

Clause 4 was put and carried.

8th August 1939]

Clause 5.

* THE RT. HON. V. S. SRINIVASA SASTRI:—" I have got a question to put with regard to this clause. I have not had time to frame an amendment. I think there is a little gap in this section which has perhaps been left without intention. Usually in Acts of indemnity, deeds or doings which are indemnified are exempted from the operation of the courts only if they have been done in good faith. I am afraid the terms of this particular clause are such as may cover deeds done even in bad faith. Suppose one of these gentlemen engaged in the throwing open of temples to Harijans, out of private malice ill-treated a *Bhattar* or used pressure upon him which ought not to have been used, or someone for the sake of private ends unconnected altogether with the temple entry business went out of his way and did something wrong. I am not saying that anybody here will say that such a wrong should be protected. But does not the language of the section cover that also? The words 'in good faith' or '*bona fide*' are not found in the clause anywhere. Perhaps it is possible to interpret the words of some other sections so as to get at the result which I desire. I should very much like that as in all Acts of indemnity, the words 'in good faith' are brought in here also if possible. I am not moving any specific amendment."

* THE HON. SRI C. RAJAGOPALACHARIAR:—" I submit that the apprehensions of the hon. Member have no real basis. If you read the clause, the words do not run in the form that any act is indemnified. The words are really these:

'No suit for damages, . . . no prosecution shall be instituted in respect of any entry into or worship in any temple thrown open or deemed to have been thrown open.'

It does not cover any other acts whatsoever. This section provides for indemnity from suits and prosecutions only in respect of *entry* into or *worship* in any temple thrown open or deemed to be thrown open and that too on the ground that such entry is against usage or custom. Nothing else is protected. I submit there is no need for the words proposed. If there is any general phrase that all acts are indemnified and all entries are free, then perhaps it will be necessary to have the phrase 'in good faith.' There is therefore no fear of misinterpretation of the indemnity Act."

Clause 5 was put and carried.

Clause 6 was put and carried.

The Schedule was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

[8th August 1939]

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I beg to move, Sir,

'that the Bill be passed into law.'

"If I have said anything strongly in the course of the debate, I want to be forgiven for it. I feel that I have said nothing wrong. There is nothing more for me to say on the merits of the thing beyond what I have already stated in the course of the debate. I hope that the Bill will be accepted by the House and passed into law."

1-30
p.m.

* SRI DIWAN BAHADUR E. SRINIVASAN:—"Sir, there is a fear in the minds of the scheduled classes that this temple entry is not to be perpetual. Centuries have passed since the caste Hindus after taking possession of the temples built over the cremation grounds of the ancestors of the Adi-Dravidas and Adi-Andhras, now known as scheduled castes, took endowments and rights and drove them out, never to return to worship and did many other wrongs and injuries and completely deprived them of possession of these places of worship. Why on earth are the caste Hindus now trying to get them into the temples? Is it a bait set to trap the sixty millions of untouchables, to shatter and annihilate the solidarity of their community, who now claim equal rights and privileges with caste Hindus? Experience tells us that a measure like the Temple Entry Bill will go as will-o'-the-wisp. I shall give a few instances. In the Education Code there is a provision that any school refusing admission to the untouchables should not get the Government grant. What do the caste Hindus do? Some schools take a few children temporarily in order to get the grant. In other schools children are taken in by one door and their names entered in the attendance roll and sent away by the other door. In some schools these children are made to sit aside. Then again, the parents of the depressed classes children are threatened that they will be dismissed from service and evicted from the ground they occupy. Immediately these untouchable children are admitted into the school, caste Hindu children keep away from the schools for some days and then they come in.

"Then I come to the question of amenities, such as wells, pathways, etc. The scheduled caste people suffer very much and even murders take place in this connexion. Every day we hear complaints. With regard to the Removal of Civil Disabilities Act, there is no penalty clause in it. So, it is actually a toothless snake; in fact it is lying down as a dead snake, no effect being given to the sections of the Act. The scheduled caste people are still suffering for want of sufficient amenities.

"I notice objections are raised by certain section of Hindus. Eminent lawyers have now come forward to discuss the question.

8th August 1939] [Sri R. Srinivasan]

The expectation of the scheduled castes to get back their lost temples, to become trustees and even temple servants, is remote. To start a measure and give effect to it, permitting entry into temples and worship therein by members of all communities who embrace Hinduism without any discrimination, is a worthy one, however slow its progress may be. There is the promise made during the Poona Pact. Discrimination in temples and referendum will be insults to injuries inflicted by the caste Hindus. *Samprokshana* is a farce. Members—men and women—of the advanced community among the scheduled castes disguise themselves as caste Hindus and enter the temples. A few coins dropped in the hands of temple servants take them to the inner shrine.

“I hope the scheduled classes will be taken care of by this measure and that there will be no trouble. They have had much experience of these troubles; they have been suffering for centuries. I hope the Hon. Premier will assure us that particular care is taken for their protection.

“I have no objection to the measure now brought forward for temple entry and I support it.”

THE RT. HON. V. S. SRINIVASA SASTRI:—“Mr. President, my friend, Mr. Rangaswami Ayyangar made great play with the fact that Mr. T. C. Srinivasa Ayyangar had signed the document in support of temple entry. He apparently thought that it was not open to one who had put in his name to such a document, at any time to oppose any measure brought in to carry out this reform. I am afraid I come under his lash even more directly. Many years before Mr. T. C. Srinivasa Ayyangar put in his signature to that document, I had to put my signature to a document in which temple entry was spoken of on a large scale. Temple entry was recommended to the community as a necessary step. If I oppose this measure to-day, it is not in order to cancel my signature on that day, but in order to show that my enthusiasm for the elevation of the Harijans and their admission to the temples is as good as on that day and I want it to be secured by safe, efficacious and regular measures. It is not right to tell a man who does not support this measure, ‘You are opposed to the very same principle.’ We wanted to be very careful. By our statement we must necessarily disarm those critics and inform them that we are as good friends as they are of the Harijan community. We should not be suspected of going back upon our previous opinions and convictions, simply because we do not choose to say ‘Yes’ to a measure proposed like this. Sir, in the history of legislation, great evils have been attacked and even put down—slavery, subjection of women, disabilities of the lower classes of labourers everywhere, why, the amelioration even of the prisoners in jails. All these subjects have been taken up

[Rt. Hon. V. S. Srinivasa Sastri] [8th August 1939]

by the Congress Governments and every time it has been attended by varying success. Any one who cares to go through the history of legislation of an ameliorative character of this kind will see that it is marked by failures and miscarriages in every page. Good intentions do not mean good effect. I for one never questioned the motive that underlies this Bill. All that I said was, I object to this measure because it is an application of a well-known instrument of legislation to a purpose for which it has never been intended till now. Of course our friends can say, "What does it matter, so long as there is the instrument? Why should we not apply it to the traditional custom? It is there and we use it for this purpose. We, who are innovators in every matter, shall be innovators in this matter also and nobody shall say 'nay'." I am of a different mould. My legislation bones are not as stiff as theirs. I still seem to think that it will be well even for these young Indian parliamentarians to proceed along those lines that parliamentarians have trodden before and trodden with some measure of success. The Indemnity Bill, it seems to me, on the lines now before us, has not been hitherto allowed to be passed in any country. In that case it is not open to anybody to argue that this measure of reform will be very untouchy. I appeal to Mr. Rajagopalachariar, the Premier, to-day as I did ten months ago. That is all. He then produced a measure for this purpose which we gladly and enthusiastically approved. It is not time enough to bring in changes. Why these changes are ushered in we are unable to see. He wants to introduce a change because on the 8th an epic phenomenon took place in Madura. If that epic phenomenon took place in Madura, let it remain an epic. Do not make it prose. That is my point. Let it remain an epic. Let us not change the law; it is a heroic act. Why protect them from the results of the action which they took knowingly against the law? There is no need at all.

"It is quite open hereafter for this Legislature to say under the guidance of the Premier and his Colleagues, that all temples be thrown open. Let us make that the law of the land, and had you made that the law of the land, then we shall have no objection. Why go and protect people, who take their own lines of conduct, knowing the present state of law, under a kind of impulse from the Government themselves? Why should the Government say, 'We shall protect them?' It is not regular; it is an indirect way of achieving a great reform. This reform, Mr. President, is quite big enough and important enough to take the royal road of legislation. Nothing will be lost if this Bill is stayed and a straightforward Bill for the emancipation of the Harijan community and for their open entry into the temple were brought forward. If such a Bill is promoted and with the knowledge which is now

8th August 1939] [Rt. Hon. V. S. Srinivasa Sastri]

applied to the promotion of this Bill and if that had been made the law of the land, nobody shall say 'nay.' I am strongly for promoting the awakened consciousness of enlightened minority communities. To-day I declare my view that I would gladly support legislation which, even should it appear that it did not command the support of majority, was supported strongly and enthusiastically by an enlightened minority. Let us have such a law, and then there need be no recourse to this indirect back-door method of indemnifying people who go and do these things. It may be more dignified and calculated to ensure the welfare of humanity. But that is not the way things have been done before, and that is the only ground—I repeat it a hundred times—that is the only ground upon which I oppose this measure. All that I say is, let us keep the law until it is proved inefficacious. If it is proved, then let us change the law. No time has been given; and because some people for whom we have the highest respect, went and did a deed in Madura which they were not justified in doing, it is not proper, it seems to me, for the Legislature of the Province to rush forward and to protect them and to make it the basis of the future law of the land. The future law is embodied here; it comes in indirectly. Why should this great thing be tackled indirectly, I ask. Why should we not be given the honour of saying, 'We take up this question, an age-long grievance, and we directly and boldly say this shall end.' That is all, Sir, that I say; and I think that it is a perfectly legitimate ground upon which it is open to us to oppose this measure, without laying ourselves open to the charge, in spite of repeated protests, that we have been opposing a measure for the emancipation of the Harijan community. I am extremely sorry that this cheap jibe has been thrown at people who are, it seems to me, as keen on effecting this reform as any in this Chamber."

1-45
p.m.

* THE HON. SRI V. I. MUNISWAMI PILLAI:—"Mr. President, after my revered friend Diwan Bahadur R. Srinivasan has spoken, I do not think I need rise in this House to speak on this important measure. Sir, in his speech, he suspected that there is a certain amount of fear in the minds of the Harijans over this good measure. I do not know, Sir, from where he draws this inspiration. After the 8th of July, there have been several meetings and Harijans have been freely entering into several temples that were thrown open and at no place was any fear entertained at all. I may also testify that this measure has been brought in with great caution to give permanency to the admission of Harijans into the temples. Even yesterday, my hon. Friend Mr. Saldanha stated that the Harijans were not for temple entry. We, i.e., those of us who have been in the field for the amelioration of the depressed classes, have been echoing the voice of the dumb millions; we

[Sri V. I. Muniswami Pillai] [8th August 1939]

have been entreating the Legislature that there must be some legislation to remove this stigma in the Hindu society, to remove this disability that kept a certain section of the Hindus at the outskirts of the Hindu society. I may tell Mr. Saldanha that I do not think that there is any true Harijan who says that he does not want temple entry. We all have been fighting for centuries together and a measure of this kind has now come up, and it is up to us to embrace it with all our love and admiration. I know, Sir, as a matter of fact, that great caution has been taken in regard to this measure, to see that any admission of Harijans into temples is given a sort of permanency; and I am glad that the debate that took place yesterday and to-day has shown that there is a clear indication that there ought to be temple entry. But as regards the approach and the mode of legislative procedure, there has been a certain amount of discussion. I request, Sir, that every one of the members of this elder House will support this all-important measure that has been brought forward by the Government and see that the country comes to our rescue and helps us in getting all the Hindu temples in the Province thrown open to the Harijan community."

* **MR. J. A. SALDANHA** :—" Sir, I owe a personal explanation to the House. What I want to say is this; perhaps I did not express it very clearly previously. I say that so far as I know, the Harijans did not desire to have this privilege of temple entry in the shape of a very dubious measure, a measure which may be called a forcible temple entry Bill. This Bill legalizes all irregularities, all sorts of things which are confessed to be irregular by the Prime Minister himself. Further the Bill wants to perpetuate these arbitrary things. It is based not on good will. I think Harijans in the South Kanara district would not like to enter the temples without the good will of the other Hindus. They would like to get the will of the majority of the people in a matter of this sort. I am therefore one of those few here who oppose this kind of measure."

* **SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR** :—" Mr. President, after taking into consideration the attitude of the other side with regard to the amendments moved by my friend Mr. Narayanaswami Nayudu in respect of clause 3, I think I need not repent for anything that I have stated at the time of the first reading. The Hon. the Prime Minister stated that he would offer the Premiership to me if all the temples were thrown open to Harijans. I ask him whether by opposing the amendment moved by my friend Mr. Narayanaswami Nayudu, he is earnest in what he said about the throwing open of temples. I stated, Sir, that the executive officer of the Tirumalai-Tirupati Devasthanam refused

8th August 1939] [Sri N. R. Samiappa Mudaliyar]

admission not on the ground of public opinion but on the ground of old custom and usage and on the ground of Government orders. I expected some answer from the Government on that matter. Probably the Hon. the Prime Minister did not think it worth while to take notice of that, as he said that he did not mind my speech or my reference to the ordinance. I expect, however, that he will say something about the attitude of the executive officer of the Tirumalai-Tirupati Devasthanam at least in his reply at the third reading stage. I think I have not said anything about this particular ordinance. I simply said that the Congress Party was against the principle of the Governor issuing the ordinance. But now, the very Congress Party wanted that ordinance to be issued by the Governor. If the Hon. the Prime Minister wanted the reform to be effected, why did he not bring in this measure before now or allow Mr. Vaidyanatha Ayyar to have this reform effected after the Bill was passed by the Legislature? I hope, Sir, that the House will be taken into confidence with regard to the attitude taken by the executive officer of the Tirumalai-Tirupati Devasthanam.

“As my other friends have stated, this Bill does not go as far as we want; but anyhow, I take this Bill as the thin end of the wedge, and I hope that in the near future, the Hon. the Prime Minister himself will bring in another piece of legislation throwing open all the temples to all Hindus, without any distinction.”

* THE HON. SRI C. RAJAGOPALACHARIAR:—“Mr. President, the Rt. Hon. Mr. Sastri, I am sorry to say, was not as clear to-day as he was yesterday. It did not seem to be quite his opinion that he would advise this Government to have a drastic Bill simply throwing open all the temples without any further ado, pre-requisite, initiative or correspondence or ascertainment of opinion one way or another. But it seemed to me that his words meant that he advised us to do that rather than take the matter up in the form in which we have now presented it. If that really were not merely an argument but really his advice, I for one would consider the proposal very seriously if Mr. Sastri with his previous history and his previous political experience is in a position to advise like that; but if it is merely an argument, that is a different matter. Mr. Narayanaswami Nayudu or some one else in the other House proposed by way of amendment, ‘We do not want this measure; we do not want any reference to opinions or votes; just introduce a simple Bill saying that all these temples shall be open hereafter to the excluded classes, and every one shall enter, whether he is a Harijan or not.’ If we can introduce such a Bill, it would be a straight and an easy thing and a proper

[Sri C. Rajagopalachariar] [8th August 1939]

thing—that is what some gentleman said. Am I right in thinking that that was the last advice which the Rt. Hon. Mr. Sastri gave? I wonder if it is so; it appeared to me very doubtful, because it is not in keeping with his general attitude with regard to present affairs of life. He would hesitate, I think, before really giving such advice to one who has got to carry out that advice and not merely accept the advice. If that really were his advice, I should be greatly surprised because it would be different from his previous advice. His previous advice was so far more cautious that I have only to take it as an argument when a very much bolder step is in the immediate context put forward as the only other alternative. Am I right in that, I wonder. Somehow as a result of all this talking here in this House, the Rt. Hon. Sastri has come to the conclusion that the best thing would be under the circumstances for the Government to take the other step. Was that his advice? May I pause for an answer?"

THE RT. HON. V. S. SRINIVASA SASTRI:—"My answer will be long, Sir, I should have to go on beyond 2 o'clock."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"If the answer is to be long, then I presume, Sir, it is an argument and not advice; but if it were straightaway an advice, it should not be long. I think I am right in stating that it is really an effective way of putting to me his powerful argument and telling me: 'Do not do that; do not do this; when I said that you had better do the other thing, I only meant it as an argument against the present thing, and it was not mere advice'."

THE RT. HON. V. S. SRINIVASA SASTRI:—"If I am not really taking up his time, I should say one word; it is not possible for me to enter the Prime Minister's mind and analyse what he has done. I can only say that I am not the Prime Minister; I have not brought in this Bill; I have not thought it out as he ought to have thought it out. I am only here in the position of a critic; I have performed my function as a critic. If he lays it upon me, or if circumstances lay it upon me ever to take up this question, I am sure I shall not adopt this indirect back-door method." (Laughter)

2 p.m.

* THE HON. SRI C. RAJAGOPALACHARIAR:—"But, Sir, he has still not said 'follow the other method.' However, I think I have understood him rightly when I say that it was merely an argument that he was advancing, because I was really wondering whether he advised us to take the straight method of saying once for all mandatorily 'here, the temples shall be open,' but it was merely an argument. Of course, I was prepared all these days for changes of all kinds. Therefore, I would say that

8th August 1939] [Sri C. Rajagopalachariar]

an argument is not enough. We are in a different position and he himself made it clear in his last statement that we are in the position of doing things and he is in the position of a critic. Of course, it is easy to be a critic; it is easy to say this is bad but that also is bad. After all we have to act and see whether this is not good or whether the other thing is good. Every man when he does act, will have to choose the good and every critic sees what is good or bad in each thing one by one. I do not grudge it; it is useful; probably in his over-enthusiasm the critic may advise one by way of caution to be conservative. Criticism is good, but this is not very constructive, I must say.

“Then the Leader of the Opposition put me a question. He says, ‘In spite of all your wickedness, I give my support to this Bill.’ He put me this question: ‘Why did the Commissioner of the Tirupati Devasthanam not accept the requisition of some people and open the temples, as was done in Madura? What took place in Madura was not done there by the trustee, though you are here, the same Government; why did he not do it?’”

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—“He said there was the old custom and the Government Order and there was no public opinion.”

* THE HON. SRI C. RAJAGOPALACHARIAR:—“I have not revised the answer, but the question put to me is: ‘Why is it that you permit the Commissioner of the Tirupati Devasthanam to remain quiet without opening temples when a requisition is made; why did you do so?’ Sir, I make a present of that question to Mr. Srinivasa Sastri. He says as long as you are here, it is dangerous and every trustee will do this or that. Now, see here is a case where the trustee who is as much in the hands of the Government as the other man says, ‘No, I cannot do it, because the other custom is there and the Government Order is there and I have not been given a mandate.’ So, he is not himself willing to take the initiative. With such a trustee we cannot get things done. (Interruption: He is a Government official.) Whether he is a Government official or a pensioner it is irrelevant; thank God, we do not treat Government officials in this way.”

SRI T. A. RAMALINGAM CHETTIYAR:—“He is not a trustee and he has no power.”

* THE HON. SRI C. RAJAGOPALACHARIAR:—“Quite so and Mr. Ramalingam Chettiyar is a member of the Committee. I may go further and say that it is not because he has no power, it is not because there is the committee which has to consider all that; but it is because he is not a slave, he is not servile,

[Sri C. Rajagopalachariar] [8th August 1939]

but he acts according to his judgment and we allow him to act according to his judgment. I repeat my case for the Bill in answering the question. What is our position and what is our policy? It is this. It is a living thing that we see, not merely a vote to the worship in the temple. Now in order to keep the worship going, those persons who are immediately concerned and who are as important as the generality of the people around and those few persons who are concerned in the actual ceremonial and custody of the temple must first agree and co-operate. Otherwise, we won't get the living worship, but will get only the vote. Mere order and actual dismissal or suspension of persons do not amount to worship in the temple. That is not what we want. What is required is, the real initiative must come from the trustees and the persons nearest to the temple who will carry on the day-to-day work: they may have the courage, they may have the confidence and they can ascertain opinion; but they will not. All that is the preliminary requisite. In some cases it is available: in some not; but if in some cases it is available, the example will infect others and will spread. That is the principle of the Bill. At the same time if a trustee is willing and takes the initiative, he has also to ascertain opinion, because he cannot act safely and properly and successfully unless he senses public opinion around him. Apparently the Tirupati Commissioner has not reacted in that manner: so he has not said, 'Yes.' The other Commissioner reacted in the other way; so he did it. That is the principle of the Bill in effect. In fact, completely and in a very clear manner the question of the Leader of the Opposition has elicited the real principle and motive of the Bill, so to say, and has answered also the doubts and suspicions entertained in certain quarters.

"I submit, Sir, there is no question of compulsion here because we want to succeed in a good object in a successful and efficient manner; and we cannot do it by orders. The only thing is, whether to ascertain by voting or ascertain from the trustee how he feels about it and which is better. Both methods may be good; or in one place one method may be good and in another the other method may be good; we want to have both the weapons in our armoury; we do not wish the one to cancel the other. In actual practice if one is better than the other, the more effective will displace the less effective, not like the baser coin displacing the good one. Both methods may be equally useful and we want both side by side. I therefore commend the Bill to the House."

The motion was put and carried and the Bill was passed into law.

8th August 1939]

III.—MOTION FOR SUSPENSION OF RULE 17 OF THE LEGISLATIVE COUNCIL RULES.

* THE HON. DR. T. S. S. RAJAN:—“ Sir, I move—

‘ that rule 17 of the Council Rules be suspended and that the Council do proceed to transact Government business on Wednesday, the 9th August 1939.’

“ Sir, the reason for making this motion is that a lot of official business has been held up. Although we have promised a non-official day, we find that the resolutions that have been tabled are neither very urgent nor important; of course from the point of view of those who have given notice of those resolutions, they are very important. But, since official business has got to be given precedence over non-official business, it has not been possible, with the best will in the world, to have to-morrow as a non-official day. The Leader of the Opposition whom I have consulted has also agreed to this, but he wanted an assurance to the effect that on the next non-official day we give them a few more hours to continue the debate. It is perhaps too early and too prophetic to give an assurance of that sort now, but I shall give him this offer: if there is no other business and if the Legislative Assembly does not demand the attendance of the Ministers on the same day in the afternoon, I shall give him the assurance that I shall sit in the afternoon till 5 or 6 o'clock or as long as the non-official business requires the House to sit. With this limitation, Sir, I propose this motion for the acceptance of the House.”

DR. SIR K. V. REDDI NAYUDU:—“ Mr. President, of course we all recognize that official business should have precedence over non-official business, but I do not see the necessity for it. For one thing, I do not know why it is not possible for the Government to give us a non-official day; in fact we have been sitting from 11 to 2 ordinarily. I expect that official business would be finished soon; it may be finished in one hour as there is not much work to do. There is, Sir, a personal element in the matter. I have given notice of a resolution which will come up to-morrow but for the motion just now made. That resolution has some urgency about it. I also gather that correspondence has been going on between this Government and the Government of India on the question of certain control over the excessive imports that are coming into our Province and into India particularly from Burma, Indo-China and Siam. Now, if this correspondence goes on without this House having an opportunity to express its opinion, it may not have some other opportunity to do so. That is the request that I make in that resolution. The resolution is to the effect that this Government do approach the Government of India to give the Government of this Province as well as the Legislature of this Province an opportunity to express

102 MOTION FOR SUSPENSION OF RULE 17 OF THE LEGISLATIVE
COUNCIL RULES

[Dr. Sir K. V. Reddi Nayudu] [8th August 1939]

their views on the matter. I would therefore appeal to the Leader of the House to see whether it is not possible to give us some time. If I ask for the day-after-to-morrow, the Hon. the Finance Member will complain that it would mean Rs. 2-8-0 per member per day. I am not concerned with that now. What I want is, let it be taken up to-morrow after the official business is over. I also gather that the other House will not sit; if so, there ought not to be any difficulty at all in acceding to my request."

* THE HON. DR. T. S. S. RAJAN:—"I have no objection to taking up non-official business after the official business is over to-morrow."

MR. PRESIDENT:—"To-morrow non-official business will be taken up after the official business is over."

The motion was put and carried.

The Council then adjourned to meet again at 11 a.m. the next day.

IV.—PAPER LAID ON THE TABLE OF THE HOUSE.

^a *Statement showing the resolutions passed by the House Committee during the Third Session of the Madras Legislative Council and the action taken thereon.*

^a Laid on the table on 7th August 1939.

8th August 1939]

(ii) Every appointment to any such service, class or category otherwise than by transfer or promotion as aforesaid shall be made from that community which at the time of appointment is most disadvantageously situated with reference to the proportions specified in clause (i); if no qualified and suitable candidate of that community is available, a candidate from the community next in the order of disadvantage who is qualified and suitable shall be appointed. If it is found that the disadvantage of two or more communities is equal, a candidate belonging to any of such communities who is best fitted for the post shall be appointed.

APPENDIX II.

[Vide answer to starred question No. 9 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 8th August 1939, page 57 supra.]

G.O. No. 16, Finance, dated 20th January 1939.

The Government have decided that the date of compulsory retirement of all ministerial servants under their rule-making control should be fixed as the date on which they attain the age of 55 years and that they should not be retained in service after that date except on public grounds.

The following notification is published:—

NOTIFICATION.

In exercise of the powers conferred by paragraph (b) of sub-section (2) of section 241 of the Government of India Act, 1935, His Excellency the Governor is hereby pleased to direct that the following amendments shall be made in the Fundamental Rules and the Subsidiary Rules thereunder, and that these amendments shall apply to all Government servants now in the service of the Provincial Government including those who were in service on 31st March 1937:—

AMENDMENTS.

(1) For clause (a) of Fundamental Rule 56 and the Note and the delegation thereunder, the following shall be substituted, namely:—

“(a) Except as otherwise provided in clause (c) of this rule, the date of compulsory retirement of a Government servant, whether ministerial or non-ministerial, is the date on which he attains the age of 55 years. He shall not be retained in service after that age except with the sanction of the Government on public grounds, which must be recorded in writing, but he must not be retained after the age of 60 years except in very special circumstances.

Note:—This rule does not apply to Government servants treated as in inferior service for the purposes of pension.





[8th August 1939]

Delegation under Rule 56 (a).—The head of a department is empowered to retain in service a Government servant after he attains the age of 55 years and up to the age of 60 years, provided that he or an authority subordinate to him is competent to make a permanent appointment to the post held by the Government servant concerned. Extensions should not be granted for more than one year at a time."

2. Clause (b) of Fundamental Rule 56 and the delegation thereunder shall be omitted.

3. Note 2 under Fundamental Rule 86 shall be omitted.

(By order of His Excellency the Governor)

T. N. S. RAGHAVAN,
Deputy Secretary to Government.

To the Accountant-General, Madras.
,, Heads of Departments.
,, Departments of the Secretariat.

Copy to the Superintendent, Government Press, for publication of the notification in the *Fort St. George Gazette*.

,, Government of India, Finance Department (with C.L. and two copies).

,, Secretary to the Governor-General (Public) (with C.L. and two copies).

வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS